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Senate

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, Creator of heaven and earth, lead us to the path of compassion. Help us who would be Your followers to feel the pain in our world. Open our eyes to the plight of the sick, the hungry, and the oppressed. Unstop our ears, that we may hear the groans of suffering people and the cries of those without hope. Teach us to pray for the lost, the lonely, and the least, until we unleash Your sovereign power that can rescue the perishing.

Today bless the work of our Senators and use them as agents of Your grace. Help them to do their part to relieve suffering, to alleviate pain, and to plead for justice.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we open the Senate with a 30-minute period of morning business. After those statements, we will resume consideration of the Department of Defense authorization bill. There are now six pending amendments that the chairman and ranking member are reviewing to determine how much debate will be necessary. Yesterday, Senator LEVIN filed an amendment related to troop withdrawal in Iraq. I understand that amendment may be offered today. I know many Senators will want to participate in that debate. It is my expectation that we will set up blocks of time for debate, perhaps for this afternoon, so that Senators will know of the appropriate time to come to the floor to give their remarks on the amendment. In addition to the pending amendments, other amendments will be offered today. Therefore, we will be voting today on amendments to the Defense authorization bill. The Democratic side of the aisle will have their normal policy meeting today, and we will recess from 12:30 to 2:15. As a reminder to my colleagues, we have scheduled our Republican policy meeting to occur during Wednesday's session instead of today.

IRAQ

Mr. FRIST. Mr. President, I want to take a few moments to comment on the debate that has been underway on the Defense authorization bill. In particular, I want to draw attention to the heroism, courage, and great work of our soldiers on the frontline. Every day they are risking their lives to defend our freedom. They are taking that battle to the enemy so that the enemy does not bring that battle to us on our own soil.

No one would have guessed almost 5 years ago that we would be free from having suffered another major terrorist attack. We have been extraordinarily fortunate. We remember 1993, the World Trade Center attack, Khobar Towers, our embassies in Tanzania and Kenya, the USS *Cole*, and then that day on 9/11. We have been safe because of our brave men and women, Americans who are putting their lives on the line to protect this country. Then there was that day on 9/11 where our enemy declared war. They slaughtered innocent citizens right here on American soil. They judged us to be weak, to be vacillating. They believed we would cower in the face of brutality. They were wrong.

Out of the black smoke and ashes of that terrible day, America stood up strong, united, and determined. And after careful deliberation, we answered back. We toppled the Taliban in Afghanistan, where al-Qaida had trained. We toppled Saddam Hussein, a real and continuing threat to the security of our Nation and to our allies. Since then we have continued the hard work of draining the swamp that nurtured and festered these monsters. It hasn't been easy. The last 3 years have strained our patience as we have watched the terrorists' counterattack. Innocent Iraqis, coalition forces, humanitarians, and journalists have been targeted simply for trying to secure a free and open Iraq. But the enemy's effort to plunge Iraq into chaos will not succeed.

Slowly, freedom is gaining ground. The Iraqi people are emerging from three decades of brutal repression and claiming their right to stand among democratic nations. Last year, millions of Iraqis defied the threats of Abu al-Zarqawi and streamed to the polls in three national elections. Iraq's Sunni population participated in greater numbers each time. On June 8, the new democratically elected Prime Minister Jawad al-Maliki named the last three members of his Cabinet—the Ministers of Defense, Interior and Security—thereby completing formation of his unity government. What huge progress. The new government is committed to facing the challenges of terrorism and corruption and to move Iraq's fledgling

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

democracy forward on the path to freedom. I believe they will succeed as long as we do not break faith with them.

It was a week ago the Iraqis formally asked the United Nations Security Council to maintain the U.S.-led coalition with these words:

> While great achievements have been gained by the people of Iraq in the realm of political development, the continuation of the mandate of the multinational force in Iraq remains necessary and essential for our security.

Far from the rhetoric that is being used by some today, the Iraqi people want us, and they need us to help them. If we don't, if we break our promise and cut and run, as some would have us do, the implications could be catastrophic. Not only would it be a dishonor to our Americans, a dishonor of historic proportions, the threat to America's national security would be potentially disastrous. If large parts of Iraq were to fall into the hands of terrorists, there would be no end to the threats we might face. Iraq could become a terrorist base for attacking us and undermining our allies. Many of Saddam Hussein's weapons scientists are still in Iraq, and the destruction of 9/11 would pale in comparison to the devastation terrorists could inflict with weapons of mass destruction produced in Iraq using their experience.

Leaving Iraq to the terrorists is simply not an option. Surrendering is not a solution. Zarqawi's elimination on June 7 was a profound victory. Coalition forces have captured or killed 161 of Zarqawi's leaders, key elements in the command and control of the terrorist network. Iraqi troops and the Iraqi people are working ever more diligently to defeat the terrorist enemy. In July of 2004, there were no operational Iraqi Army division or brigade headquarters. In just 2 years, 2 divisions, 14 brigades, and 57 battalions control their own area of responsibility. That is progress. Also, 28 authorized national police units are in the fight with 10 battalions in the lead. Over 254,000 trained and equipped Iraqi security forces are taking the battle to the enemy. These are just a few of the positive indicators. With our help, Iraq is making steady and impressive progress every day.

America has faced great challenges before. We rose up to defeat Naziism, one of the ugliest ideologies in modern history. It took terrible sacrifice and great pain, but we defeated the Nazi scourge. Through the Marshall plan, we rebuilt a continent of democratic and independent states. For the next four decades, we battled the Cold War against Communism, a long battle we ultimately won. In the great wars of the 20th century, our ideals carried us through even when victory seemed far from assured. Young American men and women who had never seen the world came to be its bravest defenders.

As we continue the war on terror, we cannot retreat, we cannot surrender, we cannot go wobbly. The price is far too high. The strength we show now is the security we earn for the future. As the President has explained, America's troops will stand down as the Iraqi troops stand up. They are gaining strength every day. By keeping a steady eye on the ultimate goal, by having flexibility and patience, I am confident we will succeed. No less than America's security depends on it.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

IRAQI AMNESTY PLAN

Mr. REID. Mr. President, it goes without saying there are a number of issues upon which Senate Democrats and Senate Republicans will never agree. We have our differences about whether there is global warming, about the staggering deficits we have, lack of health care, economic policy generally. I understand and respect the differences we have on those issues. If there were ever an issue where we should be able to find common ground, it is supporting the troops we have around the world. I use the word ''should'' because of what is now happening in the Senate.

As I speak, there is an amendment pending before this body. It is an amendment that says the Iraqi Government should not proceed with their plan to grant amnesty to terrorists who kill American troops. It is a very simple amendment with a message the American people, I know, agree with. So why is it that Republicans who control this body have filibustered this amendment? It has been going on for days now. I really have trouble figuring that out. Their excuses don't make sense.

Their first excuse is that aides to the Prime Minister were misquoted, but we don't have any evidence of that. In fact, it is quite the contrary. The aide who first stated this stands by his story. They have asked him to step down, and he no longer has his position. But he was quoted, after having stepped down, as saying:

> The prime minister himself has said that he is ready to give amnesty to the so-called resistance, provided they have not been involved in killing Iraqis.

That was the end of the quote. Of course, what it doesn't say, according to everything that they have said, is that it is OK to kill Americans but not Iraqis. We now have news accounts—not confirmed by the Pentagon, at least to me—that Kristian Menchaca, 23 years old, member of the U.S. Army, and Thomas Tucker, age 25, U.S. Army, who were abducted, taken as prisoners of war, have been killed. Try telling their families that it is OK to give amnesty to the so-called resistance provided they have not been involved in killing Iraqis, only Americans. The families of Tucker and Menchaca would be very displeased.

Over the weekend we received even more evidence that the Iraqi Government favors amnesty for those who shed American blood. From Sunday's Los Angeles Times: The amnesty plan would apparently include insurgents alleged to have staged attacks against Americans.

They are saying amnesty. So it is clear that the situation regarding amnesty, the amendment pending before this body, is one where the Iraqis who serve in their Government are saying that it is OK if the insurgents kill Americans and not OK if they kill Iraqis. The only thing that is clear is the Senate needs to go on record and direct President Bush to tell the Iraqi Government that that plan is unacceptable. That is what the amendment does.

There are other excuses offered by the majority. Some have argued that if indeed this amnesty plan is real, we should just accept it as we did amnesty plans following World War II and Vietnam. Of course, we know that there were war trials in World War II. World War II went on for 3 years plus. This war has been going on for 3 years plus. World War II was fought all over the world, Southeast Asia, all over Europe, Africa, all of the islands between Hawaii and Japan. The war in Iraq has been fought in a relatively small area and has been going on almost as long as World War II. So I believe the argument that we should accept their amnesty plan doesn't set well with me or with the American people.

The majority of Americans killed in Iraq have not been killed in traditional acts of war. This war is different from others. They have been killed in acts of war, even though they have been so-called nontraditional acts of war. They were killed in acts of terror, which is part of this war. Anybody who believes in freedom and what our troops are dying for in Iraq should believe their killers should be brought to justice if possible. I believe the excuses on the majority side are designed by Republicans to hide the truth.

The filibuster of the anti-amnesty amendment is just another example of cutting and running. We hear this all the time. If there were ever an example of cutting and running, it is not to allow a vote on a simple amendment that says we should not condone the Iraqis granting amnesty to Iraqis who have killed Americans.

I believe this cutting and running, which is thrown around here so gratuitously by the majority, could apply to what happened last year on the Defense authorization bill. It took months. The bill was reported out of committee, I think sometime in late April. We didn't get to the bill for months after that. Why? We had it on the floor once, but it was pulled because of gun liability legislation, which some believed was more important than the bill directing

how we are going to handle the policy of our armed services.

Today, instead of pulling this bill for gun liability or some other extraneous issue, they are doing it with filibustering. They have more votes than we have. They control what happens on the floor most of the time, and they are not letting us vote on this amendment. The majority doesn't want to embarrass the White House, so they are content to sit on their hands and have the Iraqi Government over there talking about granting amnesty to those who kill Americans.

The President said he looked Prime Minister al-Maliki in the eye and said he is OK, ''I looked him in the eye.'' Well, I hope he saw in that eye the fact that this man was willing to grant amnesty to Iraqis who killed Americans. It is not an eye that I think the American people think is appropriate—amnesty for the killers of American troops. But it appears that the majority is willing to do this even if it jeopardizes our soldiers serving in Iraq by giving terrorists who want to attack them a get-out-of-jail-free card.

We can do a lot better than that. Let's put the excuses aside and do the right thing before another day passes. Let's join together and pass this amendment.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for 30 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, under morning business, are the Democrats recognized at this moment?

The PRESIDENT pro tempore. Yes. The Democrats have the first 15 minutes, with 14½ minutes remaining.

MINIMUM WAGE AMENDMENT

Mr. DURBIN. Mr. President, later this week, we are going to debate the Department of Defense authorization bill. It is a very important bill. It also is one of the few times during the course of the year where we actually have a chance to offer amendments on very important issues. Most bills that come to the floor are fairly restrictive in terms of the procedures of the Senate. They limit what you can say and what you can address and the amendments that can be offered.

On this authorization bill, in the words of the Senate, precloture you can offer quite a few different amendments, and many will address issues that don't relate directly to the Department of Defense. There is one Senator KENNEDY will bring to the floor this week that he has been offering repeatedly and one that we should take up very quickly; that is, the question of the minimum wage in America today.

Senator KENNEDY's amendment would raise the minimum wage to $7.25 an hour in three steps over a period of several years—$5.85 shortly after enactment, $6.55 a year later, and then $7.25 a year after that. Increasing the minimum wage to $7.25 an hour would benefit 6½ million Americans, 60 percent of whom are women. These are people by and large who are in very low-paying jobs and are trying to raise children, trying to make ends meet under extremely difficult circumstances.

The current minimum wage was enacted in 1997 at $5.15 an hour, which is barely $10,000 a year in gross wages, total wages. I cannot imagine a family struggling to survive that could make it on $10,000 a year. As a result, many people are forced to work more than one job in minimum wage. Many are forced to turn to pantries and soup kitchens to supplement the income for their families. Imagine, if you will, the stress most Americans feel working 40 hours a week, trying to keep up with their kids and trying to spend a little time with them, enjoying life with them on weekends, and then make that 40-hour week a 60-hour week and figure out how it would be, particularly if you are a single parent doing your level best to raise a good child.

As this Congress has ignored the minimum wage for 9 years, we have said to these struggling families and parents: We are going to make the burden more difficult for you. Even though you get up every morning and go to work, which we applaud, we are not going to reward you for that. We are going to make it more difficult for you to keep your family together.

Since Congress last increased the minimum wage in 1997 to $5.15 an hour, the real value of that wage has gone down 20 percent, which basically means the cost of living keeps going up while the minimum wage has been stuck at $5.15. Minimum wage workers have already lost all of the gains that were enacted in 1996 and 1997, when we last raised the minimum wage. It is amazing to me that the minimum wage has become a partisan football in the Congress. There was a time when Republican Presidents would waste no time increasing the minimum wage, and Republican Congresses would follow suit, understanding that this is very basic to the question of economic justice in America; that if the poorest among us don't receive enough money for going to work, it causes extreme hardship on them.

The minimum wage, once created by President Roosevelt, has been each year, through each administration, extended. Now for 9 years we have done nothing, leaving the minimum wage workers in very difficult circumstances. If we pass Senator KENNEDY's amendment—and I hope we do—to raise the minimum wage to $7.25 an hour, it will mean $4,400 more a year for these families. That is significant. When you look at the average low-income family, they would be able to buy 15 months' worth of groceries; pay 19 months of utility bills, which have gone up dramatically since we last raised the minimum wage; pay 8 months of rent; over 2 years of health care for the basic low-income family; 20 months of childcare; 30 months of college tuition at a public 2-year college.

Think about that difference. A low-income mother, a single mother, raising children now might be able to afford good daycare for her children so she has peace of mind when she goes to work, knowing the kids are in safe hands. I have visited with families, and if they are not lucky enough to have a mother or a grandmother who will step in, some try to find a neighbor who will, and that is not always the best care. That has to be a source of great concern to every parent facing that possibility.

I believe there is a direct correlation between the failure to raise the minimum wage and a dramatic increase in the number of Americans living in poverty.

We used to talk about this issue. This used to be an issue which was debated on the floor of the Congress, about how many people were poor in America. We believed—and still do—that this great land of opportunity should offer opportunity to the poorest among us. Yet what we have seen is that the number of poor people has been growing dramatically over the last several years, while those who are well off are even better off. So the poor are truly poorer, and the rich are getting richer.

If you look at America as a system of laws that reflect an American family, how can we afford to leave people behind? I don't think we can. Thirty-seven million Americans currently live in poverty. That is more than 10 percent of America. Thirteen million of those are children. Among full-time, year-round workers, poverty has increased by 50 percent since the late 1970s. There was a time when we cared about those numbers. There was a time when President Reagan suggested changing the Tax Code to put in an earned-income tax credit to give the poorest families a helping hand. Of course, we created programs such as food stamps, WIC, and other programs for those low-income categories. There was a time when both political parties cared about the issue of poverty. Today, we don't discuss it. I don't know why. I believe we should.

Minimum wage employees working 40 hours a week, 52 weeks a year, earn $10,700 a year. That is $6,000 below the

Federal poverty guideline of $16,600 for a family of three. We should be ashamed of our Nation that we have reached this point where we ignore what we are doing to people because of this minimum wage.

Let me add that I salute our Governor in Illinois who, through the State legislation, increased Illinois' minimum wage so that we pay more to workers. But clearly we need to do this across the Nation and not leave it to the leadership of Governors. We should show leadership in Congress.

Raising the minimum wage is going to help the economy, too. A lot of people argue otherwise. Whether it be raising the Federal or State minimum wage, history shows that it doesn't have a negative impact on the economy. That is the argument which has been used against the minimum wage since Roosevelt first created it; that if you raise the minimum wage to $1 an hour—or whatever it happened to be in the earliest days of the history of this legislation—somehow jobs would be eliminated because people would say that rather than pay a dollar an hour, they will hire fewer employees. That is always the argument, and that argument fails every time when we look at the impact of an increase in the minimum wage.

In the 4 years after the last Federal minimum wage increase passed in Congress, the economy experienced its strongest growth in over 30 years. Nearly 12 million new jobs were added in the late 1990s—almost a quarter of a million a month. So as we raised the minimum wage, the number of jobs didn't shrink, it dramatically increased—exactly the opposite of what the critics of increasing the minimum wage have argued for 60 years or more.

The last raise in the minimum wage did not have a negative impact on my State's economy when the State of Illinois sought a minimum wage increase. The fact is, in the 4 years after Congress passed the last Federal increase, Illinois experienced great economic growth. Over 350,000 new jobs were added to the State's economy. Even the retail industry, which is often cited as the industry most sensitive to the minimum wage, saw over 44,000 new jobs created in Illinois 4 years after the increase in the Federal minimum wage.

Research shows that other States experienced similar impacts.

A study by the Fiscal Policy Institute of 10 States that raised the minimum wage above the Federal rate found that both total employment and employment in the retail sector grew more rapidly in higher minimum wage States.

And for small businesses with fewer than 50 employees, the number of businesses, employment, and the size of the total payroll grew faster in higher minimum wage States than in States where the lower minimum wage prevailed, exactly the opposite of what critics say if you raise the minimum wage: you are going to hurt the retail sector; they are going to have to shut down their businesses. Exactly the opposite has happened time and again.

The minimum wage needs to be updated. In contrast to the first 4 years after the Federal minimum wage took effect and created jobs, in the last 4 years under the Bush administration the minimum wage has held steady while its real value has steadily declined, and only 4.7 million jobs have been created.

It is one thing for politicians to give lofty speeches about values and family values. It is another thing to look at the rollcall on the minimum wage and ask those same Members who are pontificating about the guidance—the divine guidance—that brings them to this Chamber and then systematically voting against the poorest among us. That, to me, is a shame and something we should remedy by adopting the Kennedy amendment.

We force a lot of hard-working Americans and their families to work longer hours, work harder to pay for the necessities. That is time away from their children, time away from just a little relaxation so they can put their lives together and face another hard week of work.

In Illinois, a worker earning the minimum wage has to work 95 hours a week to afford a two-bedroom apartment. Mr. President, 11.9 percent of Illinois residents live in poverty, and an unacceptably low minimum wage is part of the problem.

Over 20 States, including Illinois, have taken upon themselves to raise the minimum wage and give an economic boost to their citizens. After the State of Illinois raised the minimum wage in January of 2005 to $6.50, Illinois nonfarm employment increased by 79,800 jobs. It didn't go down in Illinois after the minimum wage went up. It increased.

Since the State raised the minimum wage, Illinois has ranked No. 1 among all Midwest States in the total number of new jobs.

Illinois employers have created 30,000 new jobs in the traditionally lower paying, higher proportion minimum wage industry sectors of leisure, hospitality, and trade.

The minimum wage amendment we are debating today would give a raise to 333,000 workers in Illinois.

It has been more than 9 years since the minimum wage workers last saw an increase in their wages. It is a delicate subject and one that Members of Congress do not want to discuss, but I think we have to be very honest about it. While we have consistently, year after year, denied an increase in the minimum wage to the poorest, hardest working Americans, we have every year without fail increased congressional pay. Our salaries have gone up while we have ignored the plight of the poorest among us.

During the 9 years that Congress has raised its own pay by $31,600, we have not increased the minimum wage for the poorest workers in America. It isn't fair.

How can we continue to turn a blind eye to these people who get up and work hard every day? Who are they? They are the people who took the dishes off your table at the restaurant this morning. They are the ones who made the bed at the hotel after you left. They are the ones who are watching your kids at the day-care center. They are the same ones who are watching your parents at the nursing home. They are the ones who are making sure your golf course is perfect when you go out to play golf. And they are the ones who get up every single day and do these hard jobs for very little pay.

Why in the world are we sitting here ignoring the obvious? If you value families and you value workers, you should value work. To hold the minimum wage at $5.15 an hour for 9 years is shameful, and it should change.

I urge my colleagues to support the amendment that is going to be offered by Senator KENNEDY. I am happy to be a cosponsor of that amendment.

Mr. President, how much time is remaining on the Democratic side in morning business?

The PRESIDING OFFICER (Mr. DEMINT). There is 1 minute remaining.

IRAQ

Mr. DURBIN. Mr. President, later this week as part of the debate on the Defense authorization bill, we will talk about Iraq. That a timely issue. As of last week, there have been 2,500 soldiers' lives lost in Iraq since the beginning of this conflict. What was promised to the American people to be a rather uncomplicated effort by America to rid Iraq of a dictator has turned out to be a war that has gone on for 3 years with no end in sight.

This week the Senate will have a chance to say to the Iraqi people that as of the middle of next year, this becomes your responsibility. We will give you 12 months and more American lives and more American dollars and then, Iraq, you have to stand up and defend yourself. If you believe in the future of your Nation, it has to go beyond an election, go beyond political debate. It has to reach the point where Iraqi citizens are prepared to stand, defend, and die, if necessary, for their own country.

There are 130,000 American lives on the line today and every day. We have to serve notice on the Iraqis that their future has to be in their hands.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent to be recognized for 7 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. ISAKSON. Mr. President, I heard the distinguished deputy minority

leader speak last Friday morning in about a 15-minute speech, and he just added another minute, about Iraq. So I come to the floor to address the specific points the distinguished Senator just raised and the potential amendments that will be offered on the floor.

I want to tell you about the flashback that went through my mind as I sat in that chair and listened to that speech. The flashback was to my generation's war in the 1960s and 1970s in Vietnam. The flashback was to what I remember started in 1970 and culminated in 1972.

I commend my staff, in particular Andrew Billing, for spending the weekend accumulating the speeches on the floor of the Senate from August of 1970 to May of 1972, speeches by Cranston and McGovern and KENNEDY and BYRD and Humphrey. They talked about it was time for us to start withdrawing, first not on a time certain, but by just a certain number of troops, until the crescendo built so loud over 18 months it became a date certain, August 31, 1972.

The debate on the Senate floor drove the policy of the United States of America against communism and in defense of freedom, and all of us remember what happened. The first steps were it wasn't a date certain, it was 120,000 troops, and we went from a half million to 380,000 and then to 240,000, and then when we got to 240,000, the resolution became: Withdraw by August 31, 1972.

Anyone who was alive on that date who remembers that scene remembers precisely what happened: the last of the Americans to leave Saigon on the roof of our Nation's embassy being shot at by the Vietcong as they were climbing a rope ladder into a Huey helicopter.

We lost over 50,000 American lives in Vietnam and a lot of them between the beginning of that debate to withdraw in August of 1970 until the end of it in August of 1972.

I know there is a proposed amendment, probably by the Senator from Michigan, that will begin the same way the amendments began over 30 years ago on this Senate floor: not a date certain, but a scaling down of our commitment. And to that I want to address the damage that will do to our effort.

First and foremost, it hands a victory to our enemy they cannot win on the battlefield. The terrorists have said it is to psychologically destroy the will of America that they want to win the battle. They know they can't win it on the battlefield. Why should we begin to question our resolve and, worst of all, why should we repeat the horrible mistake of the way in which we managed our conflict in the seventies?

It is time we recognized that we are winning a great victory for mankind, not just the Iraqi people; that America went to enforce a U.N. resolution when the U.N. would not; that we deposed a dictator that everybody said was bad. We won in Afghanistan over the Taliban, and we are winning in Iraq today over the insurgency headed by al-Qaida.

Have some of us forgotten 9/11/2001? Have we forgotten the USS *Cole*? Have we forgotten the fatwa issued in 1996 when war was declared by al-Qaida on the United States of America? Most Americans haven't.

I want to conclude by three little stories about the past month in my life.

I stood on the courthouse steps in Walton County, GA, this Saturday welcoming home eight members of the 48th Brigade from Iraq. I stood there with all the citizens of Monroe and Walton Counties cheering them on—all the citizens, including Robert Stokely, the father of SGT Mike Stokely who died in August of 2005 in Iraq. He came up and gave me Michael's dog tag, hugged me, grabbed my hand, and he welcomed home those eight soldiers, knowing that his son, Michael, the ninth, was not home with them, but he was proud of his effort.

Let's make sure Michael didn't die in vain. Let's not lose our resolve on the floor of the Senate.

The second incident I want to describe is what happened yesterday in the Atlanta airport. I was late. I was running for my flight. I went through the atrium. All of a sudden a huge round of applause erupted. I stopped. I didn't know what in the world was going on. I turned and looked, and there marched about 30 members of the United States Army in their desert fatigues on the way to an airplane, probably on their way to Iraq, and all those citizens in that airport from around the world flying through Atlanta stopped to give them a standing ovation.

I don't think those people would want us to set deadlines, timetables, and withdraw from the ultimate battle.

And my last analogy is in Margraten in the Netherlands 3 weeks ago when Senators CRAIG, SPECTER, BURR, and myself sat on a beautiful sun-lit day before 7,000 Dutch in the American Cemetery in the Netherlands as the Royal Dutch Air Force flew over in a missing-man formation and as the Royal Dutch Senior Man's Choir sang ''God Bless America.''

I stood there for the better part of an hour having my hand shook by citizens of Holland thanking me for what Americans did 62 years ago when they invaded Normandy, fought the Battle of the Bulge, and deposed Adolph Hitler.

There is nothing different about the hatred and intolerance for humanity, race, and religion of Adolph Hitler and the intolerance for race, religion, and faith of al-Qaida. The battle is just as great. The warriors may be different, the site may be different, the methodology may be different, but the result would be the same.

Had we not stayed the course in the 1940s, the world would have lost. If we do not stay the course today, if we turn our back, the world will lose again.

Once again, the sons and daughters of the United States of America are fighting the right war in the right place at the right time for the right reason. For us to talk about timetables or suggest drawdowns or compromise our commitment is just plain wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I compliment our distinguished colleague from Georgia for his remarks. I hope throughout the day colleagues on both sides will address this critical issue with regard to our future policies in Iraq and in Afghanistan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, it is amazing to me that less than a week after the President returned from Iraq, having visited with the new Government leaders there, and having disclosed the death of the top al-Qaida leader Zarqawi, in Iraq, colleagues in the Senate would actually be proposing withdrawal from Iraq.

The strategy there needs to be to win, not to withdraw. Withdrawal follows victory. If we think about the wars we have gone into—think about World War II, for example—would it have made any sense for the Congress of the United States to pass a resolution saying to Franklin Roosevelt: You set a deadline for getting out of Germany and for getting out of Japan or we are not going to continue to support this effort? It would have been ludicrous at the time. More importantly, it sends a message to our troops, to our enemies, and to our allies, and to the people in Iraq that is devastating.

Let me read a letter that was written by one of our soldiers stationed in Fallujah recently to his hometown newspaper in Ridgefield, CT, which expresses what I suspect is the view of many of our soldiers. Here is what he said:

> In Fallujah, the people watch Al-Jazeerah. However, they also watch CNN. A lot of them fear the United States will soon cut and run. . . . Furthermore, they know that the insurgents will not end their efforts early . . . Therefore, if they help us, their lives and the lives of their loved ones will be in great jeopardy the minute we leave—if we don't finish the job. Much that they see on American television leads them to believe that we intend to abandon our efforts before the new Iraqi Government is capable of defending itself and its citizens.

The bottom line is that the people in Iraq watch what we do, our friends and our enemies, and much of our ability to win there depends upon figuring out which is going to be the winning side. They want to be on the winning side. They don't want to side with us only to have us cut and run, leaving them with these insurgents who will find out who they are and take care of business. Obviously, we have to send a message to them that we intend to prevail and therefore they can side with us.

What we will learn is that much of our ability to get al-Zarqawi and others depends upon the cooperation of the

Iraqis themselves. A lot of our intelligence comes from the fact that Iraqis believe we are there to stay until the job is done, and if they help us, they can hasten that day. But if they come to believe that they help us, we leave, and then the insurgents find out who they are, we are not going to get any more help. It is going to delay the time that we can leave rather than accelerate that time.

The people in the region, the countries that surround Iraq, would be in the very same position. They have decided that they are going to be on the side of the winner, and they believe right now the United States is the winner in Afghanistan, in Iraq, and certainly the leaders of Pakistan, of Saudi Arabia, of Lebanon, each of the countries surrounding has decided to throw in with us. As the President said, you are either for us or against us. If we cut and run from Iraq, those countries are not going to be able to stay with us, and what we will have done is to prove what Osama bin Laden said is true, and that is that instead of the strong horse, we are the weak horse. That is what the people in the region are waiting to see.

So these concepts—whether it is an immediate withdrawal or simply the beginning of a phased withdrawal this year, with the President being required to submit a plan for complete withdraw by the end of next year—are all part and parcel of the same thing: a message to the enemy that we are leaving and here is our timetable for leaving. All you have to do is wait until we are gone and then it is yours for the taking. That is not just destructive for the Iraqi people; the whole point is that it is destructive for our whole policy in winning the war against the terrorists.

They have to believe we are on the offensive, we are going after them, and we won't quit until we win. But by pulling out of Iraq, we are sending the signal that by simply hanging on, by causing us trouble with roadside bombs and other mechanisms, all they have to do is wait us out; we will lose patience, we will lose nerve, we will leave, and that is how they win the war on terror.

So it is not just about the Iraqi people and their ability to govern themselves in freedom or the people of Afghanistan; it is about the message it sends to the people who are today with us in the war on terror. It is about our ability to continue to show that we are winning the war on terror, and that they better side with us rather than side with people who are going to lose. It is all about winning the war over there so that we don't have to worry as much about attacks in the United States.

This is a multifaceted war. There are enemies all over the globe. The best way to win that war is through good intelligence and then taking the fight to the enemy. Right now, the bulk of that fighting is in Iraq, and it is there that we have to confront the enemy and defeat the enemy. If we pull out through these sort of sugar-coated notions of phased withdrawals—not a deadline—not cut and run—it is just a phased withdrawal, what kind of a signal does that send? It still creates a date, a timetable, and a message to the enemy that we are, in fact, going to be leaving, and all they have to do is wait us out.

So I say to my colleagues, these kinds of proposals should be soundly rejected as they were last week, both in the Senate and in the House of Representatives, and we should be sending the signal to our troops, as well as to our enemies and to our allies: we are there to stay until victory, not until we achieve some artificial deadline.

Mr. WARNER. Mr. President, I thank the Senator for his contributions to this debate. I simply would add this one very important thought I have had all along. This has been a struggle of a nation to achieve its place in the world of governments of democracy. They have had—if there is one sign of courage amongst the Iraqi people, and today regrettably there is so much strife and killing, but these people have gone to the polls in record numbers three consecutive times. You need only look at history and the difficulty of forming a government to say that the newly elected government, a permanent government now, at long last, is a unified government, and it has been achieved in a matter of months. They were tough months, to wait them out. It is interesting that it took 8 years in a way for this great Nation of ours to achieve the final form of government that we have today.

So the Iraqi Government is in place, and we must recognize it is a sovereign nation, and they have to make decisions on their own. The Iraqi people cannot perceive that we are dictating how they will exercise their sovereignty. We are committed to stay there with our forces and the coalition forces to enable them to exercise their choice and the means by which to provide sovereignty for their people.

So I thank my distinguished colleague, and I think this will, in the hours and days to come, unfold into a very strong and vigorous debate on these issues. But in the end, always allow the beacon of sovereignty, which we have enabled through enormous sacrifice to allow them to achieve, to be the beacon that we must follow.

Mr. President, I understand that my distinguished colleague from Rhode Island is prepared to address the Senate for a period of 20 minutes or so is my understanding, and if that is in accordance with the wishes of my ranking member, he may so state.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I would ask the Senator from Rhode Island, who is under a unanimous consent agreement to be recognized for 20 minutes, to yield to me for 2 minutes.

Mr. REED. I will yield.

Mr. LEVIN. Mr. President, I noticed Senator KYL again uses rhetoric which they apparently have decided will be used no matter what the facts of any particular proposal are. I would just point out in this morning's Washington Post that Mr. al-Rubaie, who is the National Security Adviser for Iraq, has argued that by year's end, we envision the U.S. troop presence to be under 100,000. That would be at least a 30,000 reduction. I wonder whether people, or Senators, who are going to mischaracterize the Levin-Reed et al amendment are going to also then suggest that the Security Adviser to the new Prime Minister of Iraq supports cut and run when he says that they envision a reduction of American troops to be below 100,000 by the end of this year, and he sets forth in this morning's Washington Post all of the reasons it is so important that foreign troops be redeployed, including to legitimize Iraq's Government in the eyes of its people.

I ask unanimous consent that the entire article written by the Security Adviser to the new Prime Minister, Mr. al-Rubaie, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post]

THE WAY OUT OF IRAQ: A ROAD MAP

(By Mowaffak al-Rubaie)

There has been much talk about a withdrawal of U.S. and coalition troops from Iraq, but no defined timeline has yet been set. There is, however, an unofficial ''road map'' to foreign troop reductions that will eventually lead to total withdrawal of U.S. troops. This road map is based not just on a series of dates but, more important, on the achievement of set objectives for restoring security in Iraq.

Iraq has a total of 18 governorates, which are at differing stages in terms of security. Each will eventually take control of its own security situation, barring a major crisis. But before this happens, each governorate will have to meet stringent minimum requirements as a condition of being granted control. For example, the threat assessment of terrorist activities must be low or on a downward trend. Local police and the Iraqi army must be deemed capable of dealing with criminal gangs, armed groups and militias, and border control. There must be a clear and functioning command-and-control center overseen by the governor, with direct communication to the prime minister's situation room.

Despite the seemingly endless spiral of violence in Iraq today, such a plan is already in place. All the governors have been notified and briefed on the end objective. The current prime minister, Nouri al-Maliki, has approved the plan, as have the coalition forces, and assessments of each province have already been done. Nobody believes this is going to be an easy task, but there is Iraqi and coalition resolve to start taking the final steps to have a fully responsible Iraqi government accountable to its people for their governance and security. Thus far four of the 18 provinces are ready for the transfer of power—two in the north (Irbil and Sulaymaniyah) and two in the South (Maysan and Muthanna). Nine more provinces are nearly ready.

With the governors of each province meeting these strict objectives, Iraq's ambition is to have full control of the country by the end of 2008. In practice this will mean significant foreign troop reduction. We envisage

the U.S. troop presence by year's end to the under 100,000, with most of the remaining troops to return home by the end of 2007.

The eventual removal of coalition troops from Iraq streets will help the Iraqis, who now see foreign troops as occupiers rather than the liberators they were meant to be. It will remove psychological barriers and the reason that many Iraqis joined the so-called resistance in the first place. The removal of troops will also allow the Iraqi government to engage with some of our neighbors that have to date been at the very least sympathetic to the resistance because of what they call the ''coalition of occupation.'' If the sectarian issue continues to cause conflict with Iraq's neighbors, this matter needs to be addressed urgently and openly—not in the guise of aversion to the presence of foreign troops.

Moreover, the removal of foreign troops will legitimize Iraq's government in the eyes of its people. It has taken what some feel is an eternity to form a government of national unity. This has not been an easy or enviable task, but it represents a significant achievement, considering that many new ministers are working in partisan situations, often with people with whom they share a history of enmity and distrust. By its nature, the government of national unity, because it is working through consensus, could be perceived to be weak. But, again, the drawdown of foreign troops will strengthen our fledging government to last the full four years it is supposed to.

While Iraq is trying to gain its independence from the United States and the coalition, in terms of taking greater responsibility for its actions, particularly in terms of security, there are still some influential foreign figures trying to spoon-feed our government and take a very proactive role in many key decisions. Through this many provide some benefits in the short term, in the long run it will only serve to make the Iraqi government a weaker one and eventually lead to a culture of dependency. Iraq has to grow out of the shadow of the United States and the coalition, take responsibility for its own decisions, learn from its own mistakes, and find Iraqi solutions to Iraqi problems, with the knowledge that our friends and allies are standing by with support and help should we need it.

Mr. LEVIN. Mr. President, I ask unanimous consent that after Senator REED is recognized—the chairman and I have talked about this—at that point, the Dorgan amendment be the matter before the Senate. I believe that the Senator from Virginia and I have agreed that Senator DORGAN would be recognized for 10 minutes, to be followed then by the chairman for 5 minutes, and the intention then would be to proceed to a rollcall vote.

Mr. WARNER. Mr. President, we are fully in concurrence as managers, but I would like to have the benefit of our leaders and the respective staff working up a unanimous consent agreement precisely outlining that. Then, as I further discussed with my colleague from Michigan, we had hopes that the matter raised by the Senator from Florida, Mr. NELSON, in which he had an amendment relating to the issue of amnesty, be addressed together with the side-by-side amendment by the Senator from Kentucky, Mr. MCCONNELL. So I hope that while hearing from our colleague from Rhode Island addressing the Senate, we can have a formalized UC agreement.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2766, which the clerk will report.

The bill clerk read as follows:

A bill (S. 2766), to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

McCain amendment No. 4241, to name the Act after John Warner, a Senator from Virginia.

Nelson of Florida/Menendez amendment No. 4265, to express the sense of Congress that the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States.

McConnell amendment No. 4272, to commend the Iraqi Government for affirming its positions of no amnesty for terrorists who have attacked U.S. forces.

Dorgan amendment No. 4292, to establish a special committee of the Senate to investigate the awarding and carrying out of contracts to conduct activities in Afghanistan and Iraq and to fight the war on terrorism.

Kennedy amendment No. 4322, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Frist amendment No. 4323 (to Amendment No. 4322), to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

The PRESIDING OFFICER. Under the previous order, the Senator from Rhode Island, Mr. REED, shall be recognized to speak for up to 20 minutes.

Mr. REED. Mr. President, I rise this morning to discuss the fiscal year 2007 Defense authorization bill. I am glad it is on the floor. It is very important legislation, and it is arriving in a timely manner where we can dispose of it along with the other body and hopefully conclude in the next few weeks with a finalized Defense authorization bill.

I would also note that this is Senator WARNER's last bill as chairman of the Senate Armed Services Committee, and I personally want to commend him and thank him for his leadership, not only as the chairman of this committee, but as a young sailor, a young marine, and a more mature Secretary of the Navy, and now a mature Member of the United States Senate. So thank you, Senator, for your leadership and friendship.

Mr. WARNER. Mr. President, I thank my colleague from Rhode Island. I appreciate his remarks, a Senator with a very distinguished military record of his own, and quite modest about it. But at some point I would love to have a colloquy with the Senator on why Rhode Island—we are talking about sovereignty and the formation of governments—about why did they hold out those many years before ratifying the Constitution? At some point, could the two of us have a colloquy about that?

Mr. REED. I would be happy to do that, in the future.

I would like to highlight some of the aspects of the bill which I think are very important. I have had the privilege of working with Senator CORNYN as the ranking member of the Emerging Threats Subcommittee. It has been a real pleasure. He has conducted the committee with great efficiency and great cooperation. The staff has been particularly helpful on a bipartisan basis.

I am pleased to note that in the context of our deliberations, several important measures were included in this legislation. First, we have authorized an additional $400 million for science and technology programs. The original request sent by the Department of Defense was woefully inadequate. Science and technology is the key to our future on the battlefield as we match the skill and valor of our soldiers with the very best technology. We have to continue this investment. I am pleased that our legislation increases that item by $400 million.

Also, the bill includes language to require a report to Congress on the testing policies and practices that should be pursued with respect to rapid acquisition programs, spiral development programs, quick reaction fielding programs, and the testing for safety and survivability of deployed equipment. One of the weaknesses, I believe, with the present approach of the Department of Defense is a failure to adequately test and evaluate, and I think that failure has to be corrected and this report will, I hope, put attention on this issue and lead to positive results.

The legislation also urges the Department of Defense to identify and nominate an individual to serve as the Director of Operational Test and Evaluation. This position has been vacant since January 2005. It is a critical position. This individual is the key independent personality in the Department of Defense to look at the testing and evaluation of new equipment. Without this position, the testing emphasis is woefully inadequate in the Department of Defense.

As we put new systems into the military, we have to ensure that these systems are adequately tested. Without an individual with that responsibility and that position and posture within the Department of Defense, we are not providing the appropriate personality and mechanism to do the job.

The bill also establishes the Joint Technology Office to coordinate all DOD hypersonics research programs in

conjunction with NASA. The new office reflects an appreciation of the important role that these technologies can play in advanced air platforms, missile systems, and space systems. The committee's provision is an effort to ensure that millions of dollars being invested by the services and by DARPA in hypersonics are optimized and coordinated to enable this maturing set of technologies to reach operational capabilities at the highest possible rate and at the earliest possible time.

The bill also extends the authority for DOD to run technology competitions and awards cash prices to winners. This is a provision that DARPA uses very effectively.

The bill also authorizes more than $30 million in increases for research that supports defense manufacturing technology. A growing concern in the United States, in both the defense and commercial sector, is whether or not we have the capability to manufacture what we invent. This money will help us enhance our manufacturing abilities throughout the United States.

There is another area of the bill that I think is very important and that is the area that helps us protect this country from weapons of mass destruction. First, the Cooperative Threat Reduction Program of the Department of Defense is fully funded with a budget request of $372 million. The Cooperative Threat Reduction Program is one of the leading nonproliferation programs. It allows our Government to cooperate with other governments, principally those of the former Soviet Union, to reduce the availability and supply of the fissile material and potential access to nuclear devices.

Also, the nonproliferation programs at the Department of Energy are fully funded at $1.7 billion. This funding is critical. One of the most obvious threats and the most grievous threats to face this country is the existence of nuclear weapons, particularly if they fall in the hands of terrorists. One very effective way to prevent this potential apocalypse is to ensure these weapons are fully under the control of a credible responsible party. In fact, in many cases we are destroying some of this material to prevent it from ever being used again.

The bill also includes an important waiver for the President with respect to the conditions that Russia must meet for chemical weapons destruction programs. It is important to continue to have these programs go forward. This waiver gives the President flexibility to continue these efforts.

In the areas of combating terrorism and homeland defense, the bill authorizes funding increases of about $150 million. Approximately $100 million of these funds are being used to fund the top eight unfunded requirements of the Special Operations Command. We all understand each of the components of the Department of Defense submit their requests. These eight elements were not funded under the prevailing budget. Our legislation would provide $100 million to do that and allow our special operators to continue to enhance their technology and their programs.

The increase will provide, I think, also, support for our Weapons of Mass Destruction Civil Support Teams. These are military teams that are organized in case of a weapons of mass destruction incident in the United States. They are critical. The original 32 teams played a key role. This would allow them to upgrade their equipment.

The bill also authorizes about $70 million to fund two of Northern Command's highest unfunded priorities. Included among these priorities are interoperable communications to facilitate the support of civilian authorities. This is an obvious need after Hurricane Katrina. When we go back—I am sure my colleagues are in the same position—to our home States we hear a persistent cry from fire and police officials that they need interoperable communications to talk amongst themselves and to talk to other levels of command.

The bill also creates a senior executive position within the Office of the Assistant Secretary for Defense for Special Operations and Low-Intensity Conflict to provide management oversight for SOCOM's acquisition programs. One of the lacking elements in SOCOM's organization is an acquisition specialist. This bill would put in a person with those skills, so they can facilitate the acquisition and development of new technology for our Special Operations Command.

The bill also includes an authorization for the Department of Defense to use counterdrug funds to support U.S. assistance to the unified counterdrug/counterterrorism military campaign in Colombia. Last April, I was in Colombia and I had the opportunity to meet with President Uribes. I was encouraged by what he has done and what the people of Colombia have done. I also visited with our military personnel and civilians working to help the Colombian military personnel who have been working to fight narcoterrorism and strengthen democratic governance in Colombia, and I was extremely impressed with what they have done since my last visit in 2000. I believe, as we support the Colombians in their efforts, we will make a significant contribution to stability in that region.

Finally, with respect to our efforts on the Emerging Threat Subcommittee, I note the bill includes authorization for incentive clauses in some of our chemical demilitarization contracts. This authority is intended to provide a more efficient way to close some of our chemical weapons facilities and to meet international deadlines.

All of these efforts were the result of the close cooperation of Senator CORNYN and the staff with respect to the Emerging Threats Subcommittee.

Let me now turn to an issue of increased importance in the last few days and that is missile defense. We are all anxiously observing what is going on in North Korea—the intelligence suggesting that the North Koreans are preparing to launch a long-range ballistic missile.

This bill contains language that I think recognizes a need to continue to develop a missile defense system and to do so in a way that can assure its effectiveness. The bill would authorize additional funding for systems that we know are working and are extremely valuable, including the Aegis BMD system and the Patriot/PAC–3 system. I note the Patriot system is our only system that has actually intercepted a hostile missile, and that additional support for this system is more than justified. I also note that the Patriot system was rigorously tested and was subject to operational testing before it was fully deployed.

The largest single missile defense funding increase which is authorized by this bill is $115 million for additional integrated flight tests for the Ground-based Mid-course Defense system, the GMD. I think it is very important to focus in on operational testing of this system. One of the shortcomings of the whole program for developing our missile defense system has been a rush, in many cases, to failure, not taking the steps to test the system or not designing tests that are operationally significant. In that respect, we have spent a lot of money but we have yet, I think, to fully and effectively deploy the ground-based mid-course system.

We have to recognize that after three successive intercept flight test failures, the Missile Defense Agency is taking some steps which I think are encouraging. They created an Independent Review Team and a Mission Readiness Task Force to analyze these failures and recommend improvements to the GMD program.

Again, one of the persistent criticisms I had was that the system was rushing pell-mell forward without stopping to evaluate the mistakes that have been made and then planning for a thorough and exhaustive system of tests. Therefore, the effort was just to put something in the ground, not to ensure that missile system would work adequately.

MRTF, the Mission Readiness Task Force, recommended that four ground-based interceptors be diverted from planned operational deployment—essentially sitting in the ground being described as operational, but frankly I don't know anyone who would give that a high probability of success—to using these missiles for ground tests. I think that is a step forward in terms of development the system.

These recommendations were accepted by the Missile Defense Agency and the Defense Department. Again, I think a recognition of a new pragmatism and realism on the part of the Missile Defense Agency, something

that is more than overdue. We need more testing to ensure the GMD system will work, and I think the legislation we have before us will signal and encourage such testing.

The bill would also include a provision that would require the Department to submit to Congress each test and evaluation plan approved by the Director of Operational Tests and Evaluation under Section 234 of last year's National Defense Authorization Act. Again, this provision is designed to help improve testing and to show the emphasis that the Congress places on this testing.

Finally, the bill includes a provision that would extend the requirement to have the GAO assess the missile defense program. The GAO plays a very valuable role as an outside objective observer on the progress of missile defense.

We have to invest in a missile defense system, but we have to do it wisely. We have already seen where the effect of other budget priorities, principally Iraq, has even caused the administration to move money away from their original plans in missile defense. I believe we cannot afford to waste money in this regard. We have to invest it wisely. Part of that wise investment means having an adequate, thorough, exhaustive operational testing program to make steady progress, rather than to rush to failure.

I would like to turn to another topic which is of concern to myself, and that is the shipbuilding program. Since 2001, most of the focus of the Department of Defense and Congress, indeed, of the Nation, has been on our land forces, the Army and Marines. They are engaged in combat in Afghanistan and Iraq and doing a magnificent job. They are bearing the burden of a very difficult combat situation.

However, our Navy is still a vital element in our national defense. Its importance will continue to loom significant in the future. The CNO has stated that he needs $13.5 billion each year for at least the next decade to recapitalize the fleet. With this funding, the Navy must also build approximately 11 ships per year to maintain a 313-ship fleet.

Mr. WARNER. Mr. President, will the Senator kindly yield for me to make a unanimous consent request so Senators can arrange their schedules?

Mr. REED. I yield to the Senator from Virginia and will then regain my time.

Mr. WARNER. This is a cleared unanimous consent request on both sides. I ask unanimous consent that at 11:15 the Senate proceed to a vote in relation to the Dorgan amendment No. 4292 and that no amendments be in order prior to the vote. I further ask unanimous consent that Senator DORGAN be recognized to speak for up to 10 minutes between now and the time before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. As I stated, the Chief of Naval Operations indicated he would need approximately $13.5 billion each year for the next decade to recapitalize the fleet. However, the President's budget request only includes 7 ships in fiscal year 2007 versus the 11 that the Chief needs to maintain the 313-ship fleet. Seven ships in fiscal year 2008. In 2009 the suggestion is they move up to nine ships. But those plans have been delayed before.

This shipbuilding level simply cannot sustain the fleet. My greatest concern is with respect to the construction level of submarines. While many believe that the need for submarines has diminished with the end of the Cold War, the demand for these unique assets has never been greater.

Last week I was with Senator DODD and Senator INOUYE for the christening of the USS *Hawaii*, our newest Virginia Class attack submarine at Groton, CT. Admiral Roughhead, Commander of the Pacific Fleet, pointed out submarines are his most demanded asset. They are the one ship that is constantly requested by commanders throughout the Pacific to do the tasks that are necessary to defend the Nation.

This is true in our global war on terrorism as we need the ability for stealthy insertion of special operations troops. We need to be able to recover these troops, we need to have the capacity to strike with precision-guided Tomahawk cruise missiles. All of these are capabilities of the submarine fleet.

Back in March of 2004, Admiral Bowman, who was then the Director of the Navy's Nuclear Propulsion Program, suggested to me that the Navy was only able to meet about 65 percent of the combatant commanders' submarine requirements with the current fleet of 54 boats. In 2003, Vice Admiral Grossenbacher, then commander of the Naval Submarine Forces, estimated we needed 70 submarines to meet the request of all of the commanders. These are requests that will simply not be met if we drop our submarine fleet below certain limits.

In addition, we understand that China is developing a very robust submarine fleet. Today, China's submarine fleet is estimated at a number of approximately 60 boats. In 2004 and 2005, 12 new submarines joined the Chinese fleet. New nuclear-missile-attack boats are coming on line, and China has one of the largest modern diesel submarine fleets in the world. Clearly, there is a need to prudently react to the growing underwater prowess of China.

Presently, the U.S. Navy has 282 ships, including 54 attack submarines. In the fiscal year 2007 long-range plan for construction of naval vessels, the Navy expressed the intent to maintain 313, but only 48 attack submarines. Recall recently there were requirements for up to 70 submarines—at least discussion of 70 submarines—or 54 submarines; 48 attack submarines are currently in the plan. The Navy is in danger of not even being able to put to sea 48 attack submarines at current build rate.

Right now the Navy is currently procuring one *Virginia* class attack submarine per year, and a ninth is in the budget for this year. However, under the original plan drawn up by the Navy in 2003, production of two boats per year was supposed to begin in fiscal year 2007. Now the procurement of two per year has been pushed back to fiscal year 2012.

If the Navy is able to implement its plan and begin building two attack submarines per year in fiscal year 2012, the attack submarine fleet will still drop below 40 before it begins to increase again. If the 2-per-year procurement keeps getting pushed off to the left—it has already happened 10 times where it has been pushed back—the submarine force would drop as low as 28.

I think we all agree that 28 is a number that cannot be justified in terms of the demand and in terms of this effort. We have to do quite a bit to move up the construction of two submarines per year.

First, the report language accompanying this bill states: ''The Committee does not understand the continuing delays in increasing the [submarine] construction rate'' and directs the Secretary of the Navy to submit a detailed plan for lowering costs and defining goals and benchmarks for the Virginia class production program. I believe this language will help compel the Navy and the industry to redouble their efforts to increase the construction rate—and that is vitally important.

Second, I am pleased to know that this legislation includes $65 million for R&D for the Virginia class submarines.

This R&D is I think critical not only to improve the capabilities of these ships but also to continue to engage in the design force which is part of the human capital in our submarine industrial base.

Also, I note that the bill includes $10 million for funding to begin design work on the successor to the Ohio class ballistic submarine. This design work is essential to continue our ability to produce a follow-on generation of attack submarines but also ballistic submarines.

I think this is absolutely critical.

Let me turn to another point with respect to our Army; that is, end strength.

I am pleased to see that this bill authorizes an Active-Duty Army end strength of 512,400, which is 30,000 over the President's fiscal year 2007 budget request.

The act also authorizes an Active-Duty Marine Corps of 180,000, which is 5,000 over the President's budget request.

I think it is important to maintain the end strength of the Army.

I think it is a result of the efforts of Senators LOTT and TALENT and myself on the budget resolution, where we actually moved $3.7 billion to accomplish this.

Let me make one final point, if I may.

The Army end strength is a critical issue. I think we have to note, at this time but also at a later date continue to note, that recruiting is becoming a critical issue for the U.S. Army. According to the information I have, the U.S. Army, in the first three-quarters of the year, has recruited to a level of 40,000. That means in the final quarter the Army is going to have to recruit 40,000 soldiers to meet their goals. That is much higher than they have ever done in the last few years.

We have a recruiting problem that is beginning to emerge.

I will devote additional time on this subject at a later time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senator from North Dakota be recognized for 10 minutes, after which time the Senator from Virginia be recognized for 5 minutes, and the Senate then vote immediately thereafter.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank the Senator from Virginia for his courtesy.

This is a vote that we had before in the Senate. It is a vote on the establishment of a type of committee called a Truman Committee. The Truman Committee was established in the early 1940s to try to root out waste, fraud, and abuse in military contracting. That was done when there was a Democrat in the White House, a Democratically controlled Senate, and a Democratic Senator named Harry Truman. He decided there ought to be a special investigation of waste, fraud, and abuse with respect to military contracting. They established a bipartisan committee to do that. They found a massive amount of waste, fraud, and abuse.

I think it is clear that perhaps the most significant amount of waste, fraud, and abuse that has ever occurred in this country is occurring right now. I think the American taxpayers are being fleeced. I don't think the Congress is doing nearly enough about it.

Let me go through a couple of charts that I have shown before on the floor of the Senate. This is from the highest ranking procurement official in the Corps of Engineers, which does all the procurement for the Department of Defense. She lost her job. She was demoted for being honest.

She said:

I can unequivocally state that the abuse related to the contracts awarded to KBR represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

This from the top civilian contracting official in our Government at the Corps of Engineers. She is being demoted for being honest. She was always given the best recommendations, the highest performance evaluations, and when they saw that the ''old boy'' network decided to give big sole-source contracts, no-bid contracts and do it in a way that violated procurement rules, she spoke out. ''The most blatant and improper contract abuse'' she has ever seen.

Let me describe one contract—the Custer Battles contract. Two guys—Custer Battles—show up in Iraq. They know there is a lot of money. The American taxpayers are funding not only reconstruction of Iraq but also funding Army contracts. Two guys show up in Iraq with nothing. And $100 million later, they got $100 million of the taxpayers' money for contracts. The first contract was to provide security at the Baghdad Airport. There is a criminal inquiry as a result of that.

Here is what Bagdad Airport security said about this company, Custer Battles—Mr. Custer and Mr. Battles.

Custer Battles have shown themselves to be unresponsive, uncooperative, incompetent, deceitful, manipulative war profiteers. Other than that, they are swell fellows.

They received 100 million in American taxpayer dollars.

By the way, they took the forklift trucks off the Baghdad Airport and put them in a warehouse. They painted them blue and then sold them back to the Coalition Provisional Authority—forklift trucks which didn't belong to them. There are now criminal proceedings about this contract. But this is the tip of the iceberg.

Mr. President, I ask unanimous consent to show an item on the floor of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, a man named Henry Bunting worked for KBR, a subsidiary of Halliburton Corporation, in the area of Kuwait where Henry Bunting was in charge of procurement. He had to buy things.

Let me show the Senate what he bought. He brought this to a hearing we held. This is a hand towel. He was charged, on behalf of Halliburton's KBR subsidiary, to buy hand towels. He would order a hand towel for the American troops at a certain price, but his company said: Don't do that. We want you to have a hand towel that has the embroidered logo on it, the name of our company. So double the price to the American taxpayer for hand towels for the troops. So you have KBR embroidered on the hand towel.

He says: Why should we do that? It doesn't matter. It is cost-plus. The American taxpayer is paying the bill. Don't worry about the cost.

Same guy, $7,500 a month for an SUV; $45, $43 for a case of Coca Cola. He said: Don't worry, be happy. The taxpayer is going to pay for all of this. Don't worry about the cost.

Yes, I know this towel is one small issue. But when you buy thousands and thousands and tens of thousands of towels and double the price so you can put the logo of the contractor on it because it is a cost-plus contract, that relates to $100 million contracts, and it relates, in my judgment, to billions of waste, fraud, and abuse.

Regrettably, the Congress doesn't care enough.

I suggest we remedy this by creating a Truman-type committee. It worked, it was bipartisan, and it began to root out the waste, fraud, and abuse that is so prevalent.

I am not going to go through the whole list again. But let me describe it. If you are in the right place of the country of Iraq, you can stumble onto 50,000 pounds of nails, 25 tons of nails, lying in the sand. Why? Because somebody ordered the wrong size nails. So you throw them out in the sand. Doesn't matter, the American taxpayer is going to pay for that.

Or you can see a brandnew $75,000 truck that was set on fire because it had a flat tire, and they run it off the road. They didn't have the capability to fix it and just left the truck. Doesn't matter, the American taxpayer is going to pay the bill.

I think this is unbelievable. We have spent hundreds of billions of dollars at this point.

I understand that our responsibility is to do everything we should do, and must do, to support the troops who are fighting in Iraq.

We cannot send American men and women abroad wearing our country's uniform and not do everything that is humanly possible to provide all of their needs, equipment needs, weapons needs, and so on. I understand that. That is a responsibility we have. I believe the chairman of this committee and the ranking member of this committee have done a great job. I am impressed with that.

The one area where all of us have failed in this Congress, however, is oversight. We have not done the oversight. I think part of it is because we have one-party rule in this town—the White House and the House and Senate. Nobody wants to embarrass anybody. But the fact is there is such massive amount of money that is going out the door in support of these contracts—sole-source, no-bid contracts that have promoted waste. And nobody wants to take a second look at it. Nobody wants to see what is going on.

There are whistleblowers coming forward saying this money is being spent. It is being spent in an unbelievable way.

This is a slightly different picture. By the way, this is $2 million in $100 bills wrapped in Saran Wrap. This money actually belongs to the Iraqi people that was spent by us in something called the Coalition Provisional Authority. That was our responsibility to spend this appropriately. This money went to Custer Battles and is the subject of a criminal inquiry. This $2 million wrapped in Saran Wrap in $100 bills was a part of a substantial

stash of cash in the basement of a building where they were standing.

This particular fellow came and testified. He said: We used to throw these around as footballs. We wrapped up $100 bills in Saran Wrap and threw them as footballs in the office because the message in this office was this:

You bring a bag because we pay in cash. Bring a sack. If you want some money, bring a sack, we pay in cash.

The stories are unbelievable.

The American taxpayer is going to pay to air condition a building. It went to a subcontractor, to another subcontractor, and then to another subcontractor, and pretty soon we pay the bill. The American taxpayer paid the bill, and that building now has a ceiling fan—not an air conditioner.

What is going on is unbelievable. Yet nobody seems to care very much. Nobody seems to be willing to do anything. I suggest, given the unprecedented amount of waste, fraud, and abuse, that now is the time for us to decide we are going to take action. We will create a Truman Committee, bipartisan, and sink our teeth into this and investigate on behalf of the American taxpayer—investigate and expose the waste, fraud, and abuse.

The fact is we turned down, regrettably, a bill which I offered previously that would have prevented the no-bid, sole-source, huge contracts going to just a couple of companies. That is one way to solve this problem. We should have accepted that. But notwithstanding the decision by the Senate to turn down that amendment, this amendment stands on its own.

Are we going to decide that when the highest civilian procurement official in the Corps of Engineers responsible for all these contracts says that she can unequivocally state that the abuse related to contracts awarded represents the most blatant and improper contract abuse she has witnessed during the course of her professional career, are we going to decide that is serious? We are going to do something about it?

I know people will say we have done this or that. The fact is we haven't scratched the surface—not a bit.

It is time for the Senate to ask itself whether it is serious about oversight and doing the job.

I am not standing here trying to pull the ground out from under this committee—or any committee. I am saying we have never spent this much money so quickly, never given the kind of sole-source, no-bid contracts that we have offered. We have never shoved money out the door as quickly as we have for procurement and in support of contracts for the troops.

Again, let me show this towel as a small hand-towel symbol of a massive amount of waste, fraud, and abuse that I believe we ought to correct, and we ought to begin today by approving my amendment.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank the Presiding Officer.

Mr. President, I wish to say to our colleague from North Dakota that he feels very strongly about this issue. That comes through in the debate on this issue that we have had now for 3 days, on and off.

But I bring to the attention of my colleagues that three times the Senate has addressed this issue and has rejected it. It is not a rejection in the sense that the Senator doesn't raise points that should be addressed to the Senate. But there is a clear record that the Senate is addressing these issues. The Committee on Armed Services had a number of hearings. The Committee on Foreign Relations had a number of hearings. And most importantly, the Senate is structured whereby issues of this type are within the jurisdiction of the Committee on Homeland Security and Governmental Affairs.

In that committee, and it has been for many years, there is a subcommittee entitled ''The Permanent Subcommittee on Investigation'' with subpoena power. In the colloquy we had on the Senator's bill on Thursday, my distinguished colleague, Senator LEVIN, and I, both commented, since we serve on that committee—he serves on the Special Permanent Subcommittee on Investigations—that this is a matter we should take up with the chairman and ranking member of the Homeland Security and Governmental Affairs Committee.

Before the Senate tries to restructure the framework of how it performs its work, we should focus on what is and what has been that framework for these many years now. It is for that reason I suggest strongly this amendment not be accepted. It would, in effect, be overruling what we are doing on the Permanent Subcommittee.

Second, Congress should be stepping into the role that is now being performed by inspector generals, being performed by the General Accountability Office and, indeed, an inspector general specially designated by the Congress and the Secretary of Defense for Iraq and other nations.

With that, I will not move to table this because I feel very strongly the Senate should address it in the same manner we have addressed it on previous occasions three times and rejected it.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. SUNUNU). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Under the previous order a vote is now to occur in relation to the amendment.

Mr. LEVIN. I ask unanimous consent I be allowed 1 minute to respond to my good friend's comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, what we are dealing with is a historic use of no-bid contracts, where billions of dollars have been spent. There is good evidence they have been misspent in many ways, and there is a huge amount of waste and abuse.

I agree with my good friend from Virginia we do have committees that could look into this matter and could focus on this matter. The agendas of those committees are left basically to the chairmen of those committees. If the chairmen of those committees choose to focus their energies in other places—and I don't quarrel with the places they look—it does not mean the Senate should not express its opinion on the need to focus on these abuses, these excesses, this expenditure of billions of dollars on no-bid contracts.

Therefore, I support the Dorgan amendment.

Mr. DORGAN. Might I ask consent to point out to my colleagues that Senator HARKIN, Senator DURBIN, and Senator CLINTON are cosponsors. I did not mention that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, a vote now occurs on the Dorgan amendment on which the yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from New Mexico (Mr. DOMENICI) and the Senator from Alabama (Mr. SHELBY).

Mr. DURBIN. I announce that the Senator from Vermont (Mr. JEFFORDS) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 52, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—44

Akaka	Durbin	Menendez
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Nelson (NE)
Boxer	Johnson	Obama
Byrd	Kennedy	Pryor
Cantwell	Kerry	Reed
Carper	Kohl	Reid
Chafee	Landrieu	Salazar
Clinton	Lautenberg	Sarbanes
Conrad	Leahy	Schumer
Dayton	Levin	Stabenow
Dodd	Lieberman	Wyden
Dorgan	Lincoln	

NAYS—52

Alexander	DeWine	McConnell
Allard	Dole	Murkowski
Allen	Ensign	Roberts
Bennett	Enzi	Santorum
Bond	Frist	Sessions
Brownback	Graham	Smith
Bunning	Grassley	Snowe
Burns	Gregg	Specter
Burr	Hagel	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Talent
Cochran	Inhofe	Thomas
Coleman	Isakson	Thune
Collins	Kyl	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

NOT VOTING—4

Domenici	Rockefeller
Jeffords	Shelby

The amendment (No. 4292) was rejected.

(Disturbance in the Visitors' Galleries.)

Mr. LEVIN. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, the managers are working with our respective leaders on the remainder of the schedule for the next few hours, but in the meantime I understand our distinguished Senator from Iowa wishes to speak. I certainly have no objection.

I ask unanimous consent that at 2:15 p.m., the Senate proceed to 30 minutes of debate equally divided in the usual form relative to the McConnell and Nelson amendments; provided further, that following the use or yielding back of time, the Senate proceed to a vote in relation to the McConnell amendment No. 4272, as modified, to be followed by a vote in relation to the Nelson amendment No. 4265, and that no amendments be in order to the amendments prior to the votes.

Mr. LEVIN. Reserving the right to object. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, we are still getting the concurrence of one side on the unanimous consent request. It was my understanding it was cleared. I think it will eventually be cleared. In the meantime, I yield the floor so that our colleague from Iowa can speak.

The PRESIDING OFFICER. The request is withdrawn. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the chairman. Any time the chairman needs to interrupt my remarks to seek that agreement, I will be more than happy to yield the floor.

I wish to talk about an amendment I have not offered yet but I hope will be accepted by both sides. I will offer it, and I hope it will be acceptable. It has to do with the loss of some $8 billion for which we cannot account.

More than 3 years into the Iraq war, we have had report after report documenting rampant corruption and profiteering on the part of some defense contractors, as well as lax oversight by governmental officials. A major reason this is continuing largely unchecked is that apparently the Department of Justice has been delaying whistleblower lawsuits brought under the False Claims Act, and DOJ is not pursuing these suits aggressively. So I filed an amendment designed to break this logjam by requiring the Department of Justice to report on a semiannual basis, every 6 months——

Mr. WARNER. Mr. President, might I ask the Senator to yield for the purpose of a unanimous consent request?

Mr. HARKIN. Certainly.

Mr. WARNER. Mr. President, I thank the Senator from Iowa. I am prepared to restate the unanimous consent request.

I ask unanimous consent that at 2:15 p.m., the Senate proceed to 30 minutes of debate, equally divided in the usual form, relative to the McConnell and Nelson amendments; provided further, that following the use or yielding back of time, the Senate proceed to a vote on the McConnell amendment No. 4272, as modified—

The modification is at the desk. Did the Chair rule on the modification?

AMENDMENT NO. 4272, AS MODIFIED

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 4272), as modified, is as follows:

Sec. __ SENSE OF THE CONGRESS COMMENDING THE GOVERNMENT OF IRAQ FOR AFFIRMING ITS POSITION OF NO AMNESTY FOR TERRORISTS WHO ATTACK U.S. ARMED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Armed Forces of the United States and coalition military forces are serving heroically in Iraq to provide all the people of Iraq a better future.

(2) The Armed Forces of the United States and coalition military forces have served bravely in Iraq since the beginning of military operations in March 2003.

(3) More than 2,500 of the Armed Forces of the United States and members of coalition military forces have been killed and more than 18,000 injured in operations to bring peace and stability to all the people of Iraq.

(4) The National Security Advisor of Iraq affirmed that the Government of Iraq will ''never give amnesty to those who have killed American soldiers or Iraqi soldiers or civilians.''

(5) The National Security Advisor of Iraq thanked ''the American wives and American women and American mothers for the treasure and blood they have invested in this country . . . of liberating 30 million people in this country . . . and we are ever so grateful.''

(b) SENSE OF CONGRESS.—It is the sense of Congress that

(1) the goal of the United States and our Coalition partners has been to empower the Iraqi Nation with full sovereignty thereby recognizing their freedom to exercise that sovereignty. Through successive elections and difficult political agreements the unity government is now in place exercising that sovereignty. We must respect that exercise of that sovereignty in accordance with their own wisdom;

(2) history records that governments derived of free elections should not grant amnesty to those who have committed war crimes or terrorists acts, and;

(3) the United States should continue with the historic tradition of diplomatically, economically, and in a humanitarian manner assisting nations and the people whom have fought once a conflict is concluded.

Mr. WARNER. To be followed by a vote on the Nelson amendment No. 4265, and that no amendments be in order to the amendments prior to the votes, with the modification that is at the desk having now been acted upon.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, and I do not intend to object, did I hear that they have an opportunity to speak on their amendments?

Mr. WARNER. That is correct, 30 minutes of debate equally divided.

Mr. LEVIN. I missed that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, to accommodate the Senate, would we not at 12:30 p.m. go into recess? Perhaps I can ask unanimous consent that at the conclusion—how much time does the Senator wish to speak?

Mr. HARKIN. Mr. President, 15 minutes.

Mr. WARNER. I ask unanimous consent that at the conclusion of the remarks of the Senator of Iowa, the Senate stand in recess until the hour of 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the distinguished chairman and ranking member.

As I was saying, the amendment I filed is designed to break the logjam of what is happening at the Department of Justice delaying whistleblower lawsuits brought under the False Claims Act, and they are not pursuing these cases aggressively.

My amendment would require the Department of Justice to report on a semiannual basis on the status of its efforts to respond to whistleblower lawsuits alleging corruption in Iraq, Afghanistan, and elsewhere. The Department would be required to report its findings to the Judiciary Committee, the Appropriations Committee, the Armed Services Committee, the Homeland Security and Governmental Affairs Committee, and the Defense Appropriations Subcommittee.

I believe this is an important first step that would allow Congress to evaluate the Department of Justice efforts so we can decide what further steps are needed to ensure these cases are vigorously prosecuted.

I am pleased that Senators GRASSLEY, DORGAN, DURBIN, KENNEDY, JOHNSON, WYDEN, KERRY, LIEBERMAN, LEAHY, and LAUTENBERG are cosponsoring this amendment.

The cost of the wars in Iraq and Afghanistan has risen dramatically in each of the last 3 years. The Congressional Research Service reports we are

now spending about $6.4 billion a month in Iraq alone. That is about $9 million an hour of spending in Iraq—$9 million an hour. One of the reasons for these runaway costs is the widespread corruption in the contracting process: shoddy work, nonwork, theft, fraud, kickbacks, bribes, insider dealings, inflated billings, and on and on.

There have been many reports in the press about this wave of corruption. The Wall Street Journal reported earlier this year about the problem. Our former inspector general in Baghdad, Stuart Bowen, concluded that U.S. occupation authorities accounted poorly for $8.8 billion in funds dedicated to Iraqi reconstruction from the Development Fund for Iraq. He stated this $8.8 billion is lost—lost. The Inspector General Stuart Bowen said, ''The Coalition Provisional Authority did not implement adequate financial controls.''

I ask unanimous consent that the April 19, 2006 article in the Wall Street Journal by Yochi J. Breazen be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 19, 2006]

CONTRACTOR ADMITS BRIBING A U.S. OFFICIAL IN IRAQ

LAWYER USES CIVIL WAR-ERA LAW TO GO AFTER FIRMS FOR CORRUPTION, BUT ADMINISTRATION WON'T HELP

(By Yochi J. Dreazen)

ORLANDO.—From his home office in a pink-painted mansion here, lawyer Alan Grayson is waging a one-man war against contractor fraud in Iraq.

Mr. Grayson has filed dozens of lawsuits against Iraq contractors on behalf of corporate whistle-blowers. He won a huge victory last month when a federal jury in Virginia ordered a security firm called Custer Battles LLC to return $10 million in ill-gotten funds to the government. The ruling marked the first time an American firm was held responsible for financial impropriaties in Iraq. But it also highlighted the limits of the broader efforts to stem contractor abuses there.

The False Claims Act that Mr. Grayson used in the Custer Battles case is a Civil War-era statute allowing whistle-blowers to sue contractors suspected of defrauding the government and then keep a chunk of any recovered money. There are an estimated 50 such cases pending against Iraq contractors, including large firms like Halliburton Co.'s Kellogg Brown and Root subsidiary. A technicality in the statute, however, has allowed the Bush administration to prevent the other lawsuits from moving forward. Cases filed under the statute are automatically sealed, which means that they can't proceed to trial—or even he publicly disclosed—until the administration makes a formal decision about whether to join them.

The law says such decisions are supposed to be made within 60 days, but with the exception of the Custer Battles case, which it declined to join, the administration has yet to take a position on any other suits, some of which were filed more than two years ago. The law allows the Justice Department to ask for extensions, which are almost always granted, for as long as it sees fit. The department has kept the other False Claims Act cases from proceeding by repeatedly asking for extensions in each one.

That has left the cases in legal limbo, with lawyers like Mr. Grayson unable to bring them to trial or detail them publicly.

Contracting experts says previous administrations often declined to join the False Claims Act lawsuits but that the Bush administration's refusal to unseal the cases is unprecedented. Justice Department spokesman Charles Wilson says he can't discuss sealed cases or comment on why the department has yet to act on them. ''All of the cases are examined on their merits,'' Mr. Wilson says. With the Bush administration sitting on the sidelines, primary responsibility for pursuing the Iraq fraud cases rests with plaintiffs' lawyers like Mr. Grayson, a Harvard-educated lawyer who began his career defending federal contractors but now makes his living going after them.

''With the sheriff asleep in the office, the only way you get justice is with private lawyers like Alan Grayson willing to step up and take down these fraudulent companies,'' says Patrick Burns, the spokesman for the advocacy group Taxpayers Against Fraud. ''Alan Grayson showed that you can do that even without help from the government.''

Though it is unclear when the cases will proceed to trial, Mr. Grayson is continuing to press ahead as best he can. He and other lawyers in his firm travel the country taking depositions, gathering documents and interviewing prospective witnesses for the dozens of currently pending lawsuits. Mr. Grayson says he also regularly passes information to the federal investigators probing the cases and the prosecutors deciding whether the government will participate in them.

A fierce critic of the war in Iraq, Mr. Grayson drives an aging Cadillac emblazoned with antiadministration bumper stickers such as ''Bush Lied, People Died, ''He says the administration's botched handling of Iraq opened the door for corrupt contractors to improperly reap fortunes there. At a hearing in February 2005 held by Democratic senators, Mr. Grayson asserted that the administration had ''not lifted a finger to recover tens of millions of dollars our whistle-blowers allege was stolen from the government.''

His opinions on the matter haven't shifted since. ''The Bush administration has made a conscious decision to sweep the cases under the rug for as long as possible,'' he says today. ''And the more bad news that comes out of Iraq, the more motivation they have to do so.''

For the contractors in his cross hairs, Mr. Grayson, 48, is a formidable opponent. He received his undergraduate, master's and law degrees from Harvard. He made millions during a two-year stint as the president of IDT Corp., a start-up that has since grown into one of the nation's largest providers of discount telecommunications services. Mr. Grayson says he has poured hundreds of thousands of personal funds into his small eight-person law firm to help defray the cost of pursuing Iraq fraud cases that may not make it to trial for years. ''I have deep enough pockets to subsidize the legal work,'' he says.

If he prevails, he might fill those deep pockets. Whistle-blowers generally receive 30% of any penalty, although the exact portion of every award is set by the judge in each case. Lawyers like Mr. Grayson, in turn, receive 30% to 50% of whatever the whistle-blowers get. ''It's really a financial crapshoot,'' he says.

Mr. Grayson's firm switched its focus from working for contractors to representing individual whistle-blowers shortly after U.S. forces swept into Iraq in March 2003. He says the firm made the move because they began to be contacted by whistle-blowers who were referred by former clients and others.

Two of his first clients were William D. Baldwin, a former manager for Custer Battles, and Robert J. Isakson, a construction subcontractor who had worked with the firm. The company, run by a pair of politically connected military veterans, had won security contracts in Iraq worth more than $100 million. But the two men told Mr. Grayson that they had evidence the firm was substantially overcharging the U.S. occupation authority.

Mr. Grayson filed suit against the company under the False Claims Act in February 2004, but it languished under seal until that fall, when the Justice Department formally declined to join the case. The government never explained its decision. The case finally went before a judge in February.

After a contentious three-week trial, a federal jury on March 9 found the company's two founders, along with a business partner, guilty of using fake invoices from shell companies to overcharge the authorities by millions of dollars. The jury ordered the men to pay $10 million in penalties, with Mr. Grayson's clients standing to receive about $3 million of the money. Mr. Grayson declined to say how much money he will be paid. David Douglass, a lawyer for Custer Battles, says the company has appealed the verdict.

While waiting for the government to act on the other lawsuits, Mr. Grayson is weighing a career change. HIs congressional district is represented by a conservative Republican, and Mr. Grayson is strongly considering seeking the Democratic nomination to oppose him. He says his campaign, if he chooses to run, would center on the war in Iraq.

PLEA DEAL SHOWS HOW BUSINESSMAN RIGGED BIDS FOR REBUILDING HILLAH; 'CONSIDERED IT A FREE-FRAUD ZONE'

(By Yochi J. Dreazen)

In January 2004, Robert Stein, a senior U.S. contracting official in Iraq, sent an unusual email to American businessman Philip Bloom.

Mr. Stein wrote that he arranged for a new set of lucrative rebuilding contracts to be awarded to Mr. Bloom, but wanted the businessman to send his bid on the letterhead of a fake company to avoid attracting attention in Baghdad. A few days later, Mr. Bloom replied that he would ''bring with me the dummies . . . I have five dummies per bid.''

The emails illustrate how closely U.S. officials on active duty, like Mr. Stein, were willing to work with Mr. Bloom to help him defraud the government through a massive bid-rigging scheme in southern Iraq. They were released yesterday as part of a guilty plea from Mr. Bloom, who admitted to steering $2 million in cash and other bribes to government officials in exchange for $8.6 million in Iraqi construction and demolition contracts. Mr. Bloom—who also admitted to providing the officials with jewelry, first-class plane tickets and sexual favors from women he employed at a villa in Baghdad—faces as long as 40 years in prison and nearly $8 million in penalties.

The plea to charges of conspiracy, bribery and money laundering is the latest to emerge from an investigation into alleged corruption by American officials in Hillah, a restive southern city. Mr. Stein, a former civilian occupation official charged with overseeing $82 million in rebuilding funds there, pleaded guilty on Feb. 2 to conspiracy, bribery and using stolen government money to purchase an array of high-powered rifles and grenade launders.

Lt. Col. Michael Wheeler and Lt. Col. Debra Harrison, who both worked in Hillah, were arrested late last year and charged with similar offenses; both are free on bond. Lt. Col. Wheeler's attorney didn't return a call; Lt. Col. Harrison declined to comment. Three other military officials are mentioned in the court papers, and law enforcement authorities say more arrests are likely. ''There

was no oversight anywhere near them at the time and they did not believe they would be caught,'' says Special Inspector General for Iraq Reconstruction Stuart Bowen, whose investigators uncovered the ring. ''They considered if a free-fraud zone.''

A variety of reports of congressional investigators and the special inspector general for Iraq reconstruction have found evidence that hundreds of millions of dollars were spent without proper authorization, given to contractors who performed shoddy work or paid to firms charging unreasonably high prices. Large sums of money remain unaccounted for, and auditors say they have little sense yet of how much may have been stolen.

Previous court filings had detailed the broad outlines of the conspiracy, which continued for almost two years. Mr. Stein and the military officials submitted fake bids from dummy companies for contracts that Mr. Bloom was seeking and then awarded him the work as the low bidder. To evade scrutiny, Mr. Stein—who had the authority to award contracts of as much as $500,000—typically awarded contracts to Mr. Bloom in amounts of as much as $498,900.

The new plea offered new evidence of how closely the two men worked. In a separate series of early 2004 emails, Mr. Stein warned the businessman that another U.S. official in Hillah would demand a ''cut'' if he knew about the bid-rigging arrangements. ''The fewer people who know what we are doing the better,'' Mr. Stein wrote. ''I am your partner as you put it so trust in me and what I feel.''

Mr. Bloom seemed willing to make Mr. Stein his partner in a formal sense as well, In a Feb. 18, 2004, email, Mr. Bloom told one of his employees that Mr. Stein was the ''vice president of operations'' for the company and should get whatever assistance he asked for. Mr. Stein, then a serving government official, sent a note back asking that the firm's business cards spell his name as Robert because ''it sounds a bit better than 'Bob.' ''

Mr. Stein, 50, who faces formal sentencing next month, could receive a prison sentence of as long as 30 years, although he is likely to receive far less because of his cooperation with prosecutors.

No sentencing hearing has been set yet for Mr. Bloom, 65. He had pleaded guilty in February and been cooperating with prosecutors ever since, although the plea was only unsealed Tuesday. John Nassikas, an attorney for Mr. Bloom, said he had filed court papers asking for home detention during the course of his dealings with the government and hopes Mr. Bloom's ultimate sentence would be reduced because of his cooperation.

Mr. HARKIN. This has had an extremely negative impact on our work in Iraq. This fund was responsible for paying the salaries of hundreds of thousands of government employees, such as teachers, health workers, and government administrators; it supported the Iraqi defense and police forces; and it helped repair Iraq's dilapidated infrastructure. So the loss of $8.8 billion hurts our mission in Iraq.

There is real urgency to the spending issue. On Meet the Press recently, we heard from retired GEN Barry McCaffrey, who just returned from Iraq and who only last week advised the President and his national security team at the White House on the situation in Iraq. He spoke about the importance of spending our resources efficiently on Iraq economic reconstruction. General McCaffrey said:

Unemployment is a bigger problem than the Iraqi insurgent force. We spent $18 billion on economic reconstruction. There is only $1.6 billion left in the pipeline. When the money runs out, in my judgment, we just lost the war.

But money on a massive scale—$8.8 billion, as the inspector general has said—has been ''lost into thin air.'' We can't account for it. While this was not all U.S. money, it symbolizes the magnitude of the corruption we are facing. We don't know where it has gone. Imagine the critical things we could have done with that $8.8 billion to help win the hearts and minds of the Iraqi people. This chart shows what the Iraqi Relief and Reconstruction Fund goes for. I won't read them all, but obviously security and law enforcement, the electric sector—they are getting less electricity now than they did before the war started—oil infrastructure, water resources and sanitation, roads and bridges, health care, education; all of these things, $8.8 billion could have gone for, but it didn't go for that. Where did it go? Well, we just don't know.

The State Department's own numbers for this Iraq Relief and Reconstruction Fund tell us they believe a lot can be done with this amount of money. It could have paid for all of the security and law enforcement training. It could have paid for all of the electric sector programs. The waste of billions of dollars is bad enough, but the widespread corruption is impeding our war effort; it is slowing reconstruction efforts; it is denying our troops in the field the quality support and equipment they deserve.

Just imagine how we could have utilized $8.8 billion to help our military in the field. When our administration loses $8.8 billion that was to have gone for reconstruction, then we have to replace that money with our money. The reconstruction is taking place. If we don't restore the unaccounted for money, no other country will. So we have to appropriate U.S. taxpayer dollars to fill the void. Let me repeat that. By this loss of $8.8 billion, if we don't account for it and somehow recoup it, the reconstruction effort going forward will be made up by taxpayers' dollars, our taxpayers' dollars.

Aside from that, how could we have used $8.8 billion to support our own troops? Well, let's take a look at this. Here is the $8.8 billion that we have lost. Equipment maintenance, about $3.2 billion; billeting of soldiers, $2.4 billion; body armor, $1.9 billion; special pay for hostile fire pay, family separation allowances, hardship duty pay, $1.3 billion. All of it could have been done with the $8.8 billion that is lost. Let me repeat: $8.8 billion lost. It is not just a loss to our Treasury and the taxpayers, it is as well a loss to our ability to keep our own troops sustained.

The single most important legal tool that American taxpayers have to recover funds stolen through fraud by U.S. contractors is the False Claims Act. Indeed, thanks to this law, more than $17 billion has been recovered on behalf of the American taxpayer. Under the False Claims Act, whistleblowers are given a powerful incentive to come forward and expose instances of fraud. The statute allows them to sue contractors suspected of defrauding the government, and then they can keep a portion of the recovered funds as a reward.

But there is a problem—a big problem. Scores of lawsuits have been brought against contractors suspected of fraud in Iraq and Afghanistan, including—and I will have more to say about this in a minute—a Halliburton subsidiary, Kellogg, Brown, & Root. Yet the Department of Justice has allowed only one of those suits to go forward in the courts, and that lawsuit resulted in a major recovery of fraudulently collected payments.

Given the massive amount of missing money, you would think that more than just one lawsuit has been filed against corporate contractors. To be sure, there are many more legitimate cases out there. Since 2003, the Special Inspector General for Iraqi Reconstruction, the U.S. Army Audit Agency, and the Defense Contract Audit Agency have all uncovered contracting abuses related to the conflict in Iraq. Auditors of the Defense Contract Audit Agency have found that Halliburton has charged $1.4 billion in questionable and undocumented costs on just two contracts. The auditors found $813 million in questioned costs under Halliburton's Logistic Civil Augmentation Program contract to provide support services to the troops. So here are two, right here: $813 million in ''questioned costs'' on Halliburton's—what they call the LOGCAP contract, that is for Logistic Civil Augmentation Program; and $382 million in ''unsupported costs.'' That is $1.195 billion just to one company. That is Halliburton. That is Halliburton in ''questioned costs.''

The auditors at the agency challenged most of these costs as ''unreasonable in amount'' after completing the audit action because the costs ''exceeded that which would be incurred by a prudent person.'' The auditors also found an additional $442 million in Halliburton's charges are ''unsupported.'' As a result, Halliburton's total ''questioned'' and ''unsupported'' costs exceed $1.4 billion.

So if you look here at the audits of Halliburton's Iraq contracts, the ''questioned costs,'' the ''unsupported costs'' under these two contracts, LOGCAP and RIO, if you add them up, combined it is $1.47 billion.

What is being done about this? Nothing. Nothing. The Department of Justice is doing nothing.

There are numerous reports from former top Army contracting officials, from former DOD officials, from soldiers on the ground, and from former Halliburton and Kellogg, Brown & Root employees as to that company's waste,

fraud, and abuse—numerous reports. There are reports that Halliburton charged for meals never served, that Halliburton overcharged for oil and oil delivery, that Halliburton overcharged and double-charged for shipments of soda pop, that Halliburton overcharged on transportation contracts. I could go on and on.

But for reasons that I cannot fathom, the Department of Justice has not told Congress or the American taxpayer what it is doing to bring these cases to justice. And it seems as though nothing is being done.

I believe we have an obligation to the American taxpayer to be protected against theft or misuse of tax dollars by corrupt contractors. Yet there is no evidence the Justice Department is doing anything about it. So absent this information, I can only conclude that nothing is being done about this corruption. If this is the case, then the recovery of perhaps billions of dollars in taxpayer money is being blocked.

While Congress and the American taxpayer remain in the dark about what the Justice Department is doing to combat contract corruption, False Claims Act cases continue to languish. The way it works is that the False Claims Act cases are automatically sealed. They cannot go to trial; they cannot be publicly disclosed until the Department of Justice makes a decision of whether to join them. Under the statute, these decisions are supposed to be made within 60 days. However, the Department of Justice is allowed to seek additional time where needed. This is appropriate because a lot of times these cases are very complex and require extensive investigation. However, these extensions cannot be allowed to become a form of indefinite delay, stretching out year after year after year. And I fear that is exactly what is happening. As I said, with just one exception, the Department of Justice has refused to take a position on any of the lawsuits related to Iraq and Afghanistan, some of which were filed over 3 years ago. Instead, the Department files for and receives indefinite extensions.

As a result, as I said, with one exception, every single whistleblower lawsuit has been effectively blocked by the Department of Justice. Fraud has gone unpunished, billions of taxpayer dollars continue to be squandered, and courageous whistleblowers who have come forward, often at great personal risk, have been left in a sort of legal limbo. As one attorney representing a whistleblower put it:

> The Bush administration has made a conscious decision to sweep the cases under the rug for as long as possible. And the more bad news that comes out of Iraq, the more motivation they have to do so.

This situation is unacceptable. So my amendment would therefore require the Justice Department to report to Congress on a semiannual basis the efforts it is undertaking to ensure that it is investigating in a timely and appropriate manner all claims of contractor waste, fraud, and abuse related to the U.S. Government's activities in Iraq and Afghanistan. It would require the Department of Justice to report on similar executive branch interagency efforts. My amendment would prevent the Department of Justice from imposing undue secrecy on false claims civil actions related to Government spending in Iraq and Afghanistan by simply requiring the Department of Justice to tell Congress what it is doing to combat this corruption. Sharing this information with Congress is nothing out of the ordinary, but it is long past due. As a matter of good faith to our troops and to the American taxpayer, we need to move aggressively against corruption and war profiteering in Iraq, Afghanistan, and elsewhere. These cases have gone on too long.

In closing, I quote the British philosopher John Stuart Mill who said: ''The proper office of a representative assembly is to watch and control the government.''

Mr. President, hopefully this is a nonpartisan amendment. It is all about enabling Congress to provide meaningful oversight of executive branch activity consistent with our duty to do so under the Constitution and the law. It will enable Congress to know the administration's plans for rooting out contractor corruption in Iraq, Afghanistan, and elsewhere, and I urge my colleagues to support the amendment.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m. today.

Whereupon, the Senate, at 12:28 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CORNYN).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007—Continued

The PRESIDING OFFICER. The distinguished Senator from Virginia is recognized.

Mr. WARNER. Mr. President, the pending business is the DOD authorization bill and most specifically the amendments by Senator MCCONNELL and Senator BILL NELSON of Florida. The McConnell amendment is to be voted on first, followed by a vote on the second amendment. Am I correct?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 4272, AS MODIFIED

Mr. WARNER. I shall address the McConnell amendment.

First, the amendments have a great likeness. But I felt, in working with the distinguished Senator from Kentucky, that his amendment—I ask unanimous consent that I be a cosponsor of that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I believe very strongly that a second amendment was needed because of what we have been working toward—the United States and its coalition partners—from the very beginning, and that is to provide the Iraqi people with a sovereign nation in which they can exercise the full range of authorities and responsibilities of a sovereign nation. Therefore, they went about a series of elections. Every Member of this Chamber recognizes the courage of the Iraqi people in three elections. Then there was the formation of a permanent government, a unity government. Having achieved that, they are now beginning to exercise the full responsibilities of a sovereign nation. I was concerned that we, as a legislative body of our Nation, not indicate that we are infringing on their rights of sovereignty.

This whole issue of amnesty is an important one. I do not, in any measure, suggest it is not important. But I think we have to observe that they are a sovereign nation. How they go about it should largely be within the confines of their own wisdom and goals because our whole future is dependent on this Government and the people of Iraq taking back their country such that our forces can come back home. Whatever that Government does that is constructive toward reaching that goal I want to support. So in working on this amendment, I, working with the distinguished Senator from Kentucky, drafted one or two provisions with him which state as follows:

> It is the sense of Congress that the goal of the United States and our Coalition partners has been to empower the Iraqi Nation with full sovereignty thereby recognizing their freedom to exercise that sovereignty. Through successive elections and difficult political agreements the unity government is now in place exercising that sovereignty. We must respect that exercise of that sovereignty in accordance with their own wisdom;
>
> History records that governments derived of free elections should not grant amnesty to those who have committed war crimes or terrorist acts, and; [further]
>
> The United States should continue with the historic tradition of diplomatically, economically, and in a humanitarian manner assisting nations and the people whom have fought once a conflict is concluded.

Mr. MCCONNELL. Will the Senator from Virginia yield for a question?

Mr. WARNER. I am happy to yield the floor, if the Senator so desires.

Mr. MCCONNELL. If the Senator will yield for a question, I say to my friend from Virginia: Is the Senator from Kentucky correct that the genesis of the Nelson amendment is a newspaper story quoting a lower level Government official, since dismissed by the Iraqi Government for suggesting that forces who may have killed American or Iraqi troops would be given amnesty? Is it not correct, I ask my friend from Virginia, chairman of the Armed Services Committee, that that lower level official has since been dismissed from the Iraqi Government?

Mr. WARNER. Mr. President, he was fired.

Mr. MCCONNELL. He was fired. Is it not the case, I ask my friend, the chairman of the Armed Services Committee, that the National Security Adviser, Steve Hadley, if you will, of the Iraqi Government, stated shortly thereafter what the policy of the Iraqi Government was?

Mr. WARNER. Mr. President, the Senator is exactly correct.

Mr. MCCONNELL. Is the Senator from Kentucky not correct that the policy of the Iraqi Government is not to do exactly what we have been having this discussion about on the Senate floor for lo these several days?

Mr. WARNER. That is correct. Based on my discussions with Senator NELSON, he in good faith read those reports and felt very strongly, as I think many of us do, about the issue of amnesty and came forward with that amendment. Then, we purposely delayed final action on these two amendments last week, such that in the intervening time there would be further clarification. I do believe there has been some further clarification of this matter. I can address that in the context of a communication from the Department of State, I say to my good friend from Kentucky. I was able to obtain this information, which hopefully will be forthcoming momentarily, stating just that: The Iraqi Government understands precisely what the situation is, that an error was made and they have put in place I think adequate corrections.

Mr. MCCONNELL. So I ask one final question of my friend from Virginia. Since the Nelson amendment basically addresses a nonexistent problem and the McConnell amendment simply asserts what we already know to be the policy of the Iraqi Government, that it would likely be a good idea for the Senate to go on record as supporting both of these amendments at this juncture?

Mr. WARNER. Mr. President, I think, certainly in my judgment, that would be an acceptable situation because there is clarity in the amendment of the Senator from Kentucky about a point that is very important to me; i.e, sovereignty, exercise of that. With no disrespect to the Senator from Florida, I believed his amendment as originally drafted, and the intent, was to reach across the ocean and have the U.S.A. reach into the Government and try to dictate what was to be done. So I believe the Senator is correct in that, and I join him in that suggestion to our colleagues.

Mr. NELSON of Florida. Will the Senator yield?

Mr. MCCONNELL. Mr. President, is the Senator yielding the floor?

Mr. WARNER. Yes, of course.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Kentucky.

Mr. MCCONNELL. Let me add, briefly, as I hear the distinguished chairman of the Armed Services Committee, at this juncture the appropriate thing for the Senate to do would be to vote for both of these amendments. It has been made perfectly clear, by statements by the National Security Adviser of the new Iraqi Government, that it is not the policy of the Iraqi Government to grant amnesty to those who killed American soldiers.

I hope we can move past this reaction to some lower level Iraqi official, since fired from the Iraqi Government, over his ill-advised and basically untrue suggestions about what the policy of the Iraqi Government would be toward those who may have killed American soldiers.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, to answer your question—parliamentary inquiry: Under the previous order, I understand 15 minutes were allocated to the majority and 15 minutes to the minority. So under the previous order, is that how the Senator from Florida is being recognized?

The PRESIDING OFFICER. Yes.

Mr. NELSON of Florida. It is true, in the understanding of this Senator, what the distinguished chairman of the Senate Armed Services Committee has said. Over the course of the weekend, as he represented it to this Senator, that he wanted to wait and see what further clarification has happened on this matter since there was such a disturbance about the language put forth on the amendment by this Senator from Florida. Indeed, over the course of the weekend, a number of additional things have occurred that have made it quite clear what very likely is the policy of the Government of Iraq. This Senator quotes from the Los Angeles Times publication over the weekend:

> The Iraqi government has crafted a far-reaching amnesty plan for insurgents.

It goes on to say:

> The amnesty plan, which apparently would include insurgents alleged to have staged attacks against Americans and Iraqis. . . .

That doesn't sound to me like the Government of Iraq is disclaiming this, that this is not their policy. To the contrary. The Senator from Florida is quite appreciative of the majority whip when he says they are going to support the amendment of the Senator from Florida. I would certainly hope so, given the fact of the tragedy that has been revealed today. I quote directly from CNN:

> The bodies of two U.S. soldiers found in Iraq Monday night were mutilated and booby trapped, military sources said Tuesday.

If you turned on the television in the course of the last couple of hours, you have heard described in gruesome terms the condition that the bodies of these two young Americans were found in, which was unrecognizable because of the mutilation.

Is this the kind of stuff that we in any way, in setting forth the sense of the Congress, want in any way, any misunderstanding of what the sense of the Congress is, that the policy of the Iraqi Government should not be to grant amnesty to those who would do harm to Americans, and have done harm, as witnessed by this most recent tragic example of how people treat prisoners of war?

Sadly, I think the facts speak for themselves. Sadly, we could have dispensed with this at the hour of 2 o'clock on Thursday, after this Senator had offered his amendment. Yet we went on for 2 hours on that day and subsequently the next day. It brings us to the following Tuesday, now, with the comments that have been made, saying that the majority will accept this Senator's amendment.

I am grateful to the majority, and I think the majority has come to the right place. I thank you for recognizing this is the statement that should be the policy, as enunciated by the sense of the Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I was one of those last week who spoke to this amendment by the Senator from Florida. I know now the Senator from Kentucky, the distinguished majority whip, has introduced another amendment and has suggested perhaps it would be appropriate to vote for both of them, since what in effect was a misstatement by a low-level Government employee in Iraq has now been clarified, making it crystal clear that it is not the policy of the new Government in Iraq to grant amnesty to those who have killed Americans.

But I have to scratch my head a little bit and wonder why it is we are having this debate. We are on the Defense authorization bill, an enormously important bill that is being shepherded on the Senate floor by the distinguished chairman, for the last time as chairman—at least this will be the last time he will serve as chairman because of term limits on that committee. But we are essentially having a debate over a nonissue, and we are being asked now to send a message to the new Iraqi Government that you are going to be admonished, in effect, because of some of the missteps of a low-level Government employee.

I am really confused about the message our friends on the other side of the aisle are trying to send our allies in Iraq. On the one hand, we have amendments that are offered suggesting that we leave them in 6 months' time and bring all of our troops home, and whatever happens as a result of that, well, it is not our problem anymore; it is their problem. On the other hand, amendments like these suggest that anytime a low-level government employee misstates the facts and has to be then corrected, and that person is then disciplined through dismissal, do we in essence want to pick a fight where there is no fight and where it is clear what the policy of the new Iraqi Government is?

I think we should give this new Iraqi Government at least the benefit of the

doubt that some would give to Saddam Hussein. There are some who come to the Senate floor and say, no, it was a terrible mistake for us to ever go into Iraq notwithstanding the fact that we know that Saddam Hussein was a mass murderer. I, along with other of my colleagues, have stood on the edge of mass gravesites where at least 400,000 Iraqis lie dead by the hands of this mass murderer Saddam Hussein.

We know the record is clear that al-Qaida in the form of Zarqawi, who was killed just last week, was in Iraq more than 2 years before the United States and our coalition partners took out Saddam Hussein. There are those who said no, no, no. Iraq has no less linkage whatsoever to international terrorism, and now we know the facts are that the worst al-Qaida operative of all, the head of al-Qaida in Iraq, was in fact in Baghdad and was in Iraq more than a year before Saddam Hussein was deposed.

So I guess I am confused by those who would say, no, let's leave the Iraqis on their own, wish them luck, but so much for the loss of lives and lost treasure invested in trying to help the Iraqi people free themselves from this terrible tyrant and get on their own feet and create a stable democracy in Iraq. But then, on the other hand, when this new democracy that has done miraculous things over the last few years has ratified their new constitution and created a unity government and have now finally gotten their permanent government in place, that when a low-level figure makes an unauthorized, incorrect statement, for which he has been disciplined, we want to come to the Senate floor and offer amendments admonishing our friends, the Iraqi Government. They are our allies in what has now become the central front in the global war on terror.

If we don't finish the job and support our Iraqi allies in any way we can as they continue this fight against al-Qaida, against other foreign fighters, against insurgents who want to destabilize the government and put Saddam Hussein back in power, if we don't do everything we can to support them militarily and rhetorically provide them any assistance we can, then we are going to be in a less safe condition because we know that any power vacuum that would be created in Iraq would easily be filled as it was in Afghanistan by the likes of Osama bin Laden and others.

I appreciate the fact that there are those who say, Well, we ought to just vote for both of these amendments. But I really think we are heading down a bad road here by slapping the Iraqi Government on the wrists for what clearly was a misstatement of a low-level government employee for which he has been disciplined and which has now been very much clarified that it is not the policy of the Iraqi Government to provide amnesty for those who have killed Americans in that country.

I yield the floor.

Mr. WARNER. President, first, the distinguished Senator from Florida referred to a Los Angeles Times article. I think that article should be placed in the RECORD following the colloquy between myself and the distinguished Senator from Florida and the Senator from Texas.

Also, I am not sure that we should make decisions here based on one report of one newspaper. I am not impugning the Times; it is an outstanding newspaper. But we just do not have any corroboration of some of the statements.

I point out they refer to the amnesty plan which currently would include insurgents alleged to have staged attacks against Americans and Iraqis.

The second sentence down is the reconciliation plan which is expected to be formally announced soon. So that plan is in the making. There is still some formulation of policy going on.

It is for that reason that I believe a strong vote on both of these amendments sends a subtle message about our concern. Let us assume for the moment that that plan has not been made formal.

I inquired of the Department of State as to whether or not anything had transpired over the weekend. There was one meeting between Prime Minister Maliki and the charges d'affaires of the American Embassy. The charges d'affaires reported back to the Department of State.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WARNER. Has the 15 minutes allocated to the Senator from Virginia expired?

I ask unanimous consent that both sides be extended 5 minutes in this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. It was stated that there was a meeting between the charges d'affaires at the U.S. Embassy and Prime Minister Maliki on 17 June. Prime Minister Maliki affirmed that any future amnesty would not differentiate between those who killed Iraqis and those who killed coalition forces. None of these people would be pardoned.

Second, Prime Minister Maliki confirmed that there should not be a concern that his reconciliation plan would prohibit Multinational Forces-Iraqi—MNFI—operations or impose a timeline for future Iraqi support of the MNFI, the point being that they are looking at this situation.

I think that these two amendments will send not a message that invades or impairs their exercise of the right of sovereignty but expresses the concern on behalf of all.

The distinguished Senator mentioned the tragic loss of our two servicepersons. It has not, to the best of my knowledge, been confirmed officially, but nevertheless earlier media reports the tragic killing and mutilation of these two brave American soldiers, which is just an example of the ferocity of this conflict that we are experiencing over there and the enormous risks being taken by the men and women of our Armed Forces.

So I think the message sent by both of these amendments is a timely one.

I urge Senators to vote for both.

I yield the floor.

Mr. NELSON of Florida. Mr. President, will the distinguished Senator yield for a clarification?

Mr. WARNER. If I might on the Senator's time because ours is down to about 1 minute.

Mr. NELSON of Florida. Mr. President, I commend the Senator for his concern. He knows my affection for him as chairman of the committee.

Indeed, CNN is reporting that it is even worse than we had described out here on the destruction of the two soldiers. CNN sources said the two men had suffered ''severe trauma.''

My question to the distinguished chairman of the Armed Services Committee is, in evaluating the McConnell amendment, I am confused by the language under the sense of Congress, paragraph 1, the last sentence in the paragraph. I quote: ''We''—meaning the United States—''must respect the exercise of the sovereignty''—meaning of Iraq—''in accordance with their own wisdom.''

The Senator from Florida asks the chairman of the committee: Would we respect their sovereignty if their wisdom said it was their policy to have amnesty against those who would kill Americans?

Mr. WARNER. Mr. President, I think we should visit that issue only if in fact at some point in time that position is made official. The purpose of that language—and I accept full responsibility for that language—is I feel fervently that the ability for us to conclude our operation with our coalition partners in Iraq and to bring our troops home is predicated on the strength of the sovereignty exercised by this government.

The Senator knows full well as do others in this Chamber that there is a high disrespect, unfortunately, among many Iraqis for the United States and its government. If there are any of our fingerprints that we are trying to dictate to that sovereign nation how they must make decisions, I fear it could impede the progress to bring our forces home. That is why that is in there.

Mr. NELSON of Florida. I respect that. This Senator respects the goals that the Senator from Virginia is stating but I am looking at the four corners of the McConnell amendment to wonder if this is something that the Senate wants to vote for when, in fact, in the sense of Congress that is expressed in the McConnell amendment starting on page 2 at line 15 and ending on page 3 at line 9, there is not any statement in the sense of Congress with regard to the policy of not supporting the Iraqi Government if it gives amnesty to people who kill Americans.

Mr. WARNER. Mr. President, I may call the Senator's attention to page 1 of the McConnell-Warner amendment. It says:

Sense of the Congress commending the government of Iraq for affirming its position of no amnesty for terrorists who attack United States Armed Forces.

Could that be any clearer?

Mr. NELSON of Florida. That is in the findings as set forth on page 1 but not in the sense of Congress. Is it the Senator's feeling that the McConnell amendment clarifies the language that says with respect to the exercise of sovereignty we must respect the exercise of sovereignty in accordance with their own wisdom? Does that clarify it?

Mr. WARNER. Mr. President, I am certain that working on the predicate that they are a sovereign nation, they can make decisions. There will be decisions which are inconsistent with the views that we hold in this country. How do we enforce our views without interfering with their sovereignty?

First, let them speak with absolute clarity to this. The McConnell amendment—and the Senator keeps saying within the four corners. Look at corner No. 1. The introductory has very clear and expressed language against the policy.

Will there be times that we disagree with their exercise of sovereignty and their own wisdom? Yes. But if we are to obtain what we hope is our goal of giving that nation its sovereign right, we cannot be dictating to them how they reach their final decision.

Mr. LEVIN. Mr. President, will the Senator yield for a question?

Is it not true that the Senator from Florida would fully agree that we want them to have sovereignty and we don't want to dictate to them what to do, but that his point is, is it not, that we still should strongly urge them not to exercise their sovereignty in a way which provides amnesty in advance since we are in the middle of a war with people who kill American troops? Is that not true? We can urge them without violating their sovereignty. Would the Senator not agree?

Mr. NELSON of Florida. The Senator is exactly correct. The amendment by this Senator, for which the majority has already said that they are urging a vote, will further give specific action; that is, that the President of the United States should immediately notify the Government of Iraq that the Government of the United States opposes granting amnesty to persons who have attacked members of the Armed Forces of the United States? So we clearly set it out in the amendment offered by this Senator.

We want to have time for Senator MENENDEZ to speak. How many minutes does this Senator have remaining?

The PRESIDING OFFICER. There is 7½ minutes remaining.

Mr. NELSON of Florida. I yield 5 minutes to the Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I thank my colleague from Florida for both yielding time and for the amendment he has offered which I am proud to cosponsor with him.

I am astonished at some of the debate in the Senate. We are twisting and turning not to take a simple position on behalf of the men and women who serve in the uniform of the United States in Iraq and to send a message elsewhere in the world. What is that simple position? It is the sense of Congress that the Government of Iraq should not grant amnesty to persons known to have attacked, killed, or wounded members of the Armed Forces of the United States. What is so difficult, what is so wrong about sending that message?

I heard some of our colleagues say that this is a nonexistent problem. If it wasn't for Senator NELSON's amendment, we would not have had the clarifications that have been forthcoming. I would like to see the Prime Minister of Iraq say that formally, in public, as the position of the Government of Iraq.

Then I hear some of our colleagues saying that we have to respect the Iraqis and their sovereignty. This administration has been telling the Iraqis from day one what they want them to do in a variety of ways. They have been telling them how they have to form their government, how inclusive that government has to be. They have had a whole checklist of things they have been telling the Iraqis they want them to do. And now, when it comes time to defend the men and women of the United States in the Armed Forces by simply sending a sense of the Senate that we want to urge the Government of Iraq not to include in any amnesty plan those who have committed murders of U.S. soldiers or who have injured them, we cannot actually pass a sense of the Senate that says that? This is a nonexistent problem?

Let me state how nonexistent it is and how important it is to send this message. We woke up to the very sad story of two missing soldiers who were found dead, PFC Kristian Menchaca and PFC Thomas L. Tucker. Let me tell the Senate what Private First Class Menchaca's uncle said:

Don't think that it's just two more soldiers. Don't negotiate anything. They [the killers] didn't. They didn't negotiate it with my nephew. They didn't negotiate it with Tucker.

And we are concerned about Iraqi sovereignty when we have been telling the Iraqis what we want them to do, but we are so concerned about Iraqi sovereignty that we won't send a sense of the Senate to make it clear for this and any other future Iraqi Government that it is the Senate position that they should not consider amnesty for those ultimately who have committed the crime of killing American troops? That is beyond my comprehension.

It seems to me the reality is we need to make a very clear statement today, a clear and unequivocal statement of what the position of the United States is as it relates to the protection of our soldiers and our view that no amnesty program should exist now or in the future that puts the lives of American soldiers in a position to be bargained for, negotiated for, and given amnesty for. The only way to send that very clear, unequivocal message is to support Senator NELSON's amendment.

To suggest we are so concerned about their sovereignty and their wisdom to the extent we would send a message that you can leave American soldiers in harm's way—and yes, we will respect your sovereignty. To the extent we won't do anything about you, ultimately, considering an amnesty plan that would allow the lives of U.S. soldiers to be the subject of forgiveness, that is not what I believe the American people want to see. That is certainly not honoring the lives of those who gave their lives on behalf of their country or honoring their families. Only Senator NELSON's amendment does that.

It should be strong. It should be bipartisan. It should be unanimous.

I yield back the remainder of my time to Senator NELSON.

Mr. NELSON of Florida. Mr. President, how many minutes remain for the majority and minority?

The PRESIDING OFFICER. There is 2½ minutes remaining, and the Senator from Virginia has 1½ minutes remaining.

Mr. NELSON of Florida. Mr. President, we are bringing this in for landing. I ask the distinguished chairman of the committee, had there been discussions on the floor during this debate about the clarification of the McConnell amendment by the words ''in accordance with their own wisdom''?

Mr. WARNER. Mr. President, I say to my friend at this point in time that we believe the amendment speaks for itself. The first section of the amendment cites a sense of the Congress commending the Government of Iraq for affirming its position of no amnesty for terrorists who attack U.S. Armed Forces. What could be clearer than that? That sets the tone and the thrust for the entire amendment.

I have said to my colleagues, it seems to me, in the spirit of comity, we have had a good debate, we have seen some further clarification of this issue in the time that has evolved since Thursday and today; secondly, assuming time is a measure of accuracy, this policy is undergoing evaluation in Iraq right now.

These two amendments, side by side, receiving a strong vote of the Senate, should suffice in the mission the Senator from Florida set out on and on which I join him.

Mr. NELSON of Florida. Mr. President, in light of the fact that this Senator only had 2 minutes to close, I ask unanimous consent that each side have 1 additional minute.

Mr. THOMAS. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. NELSON of Florida. An objection is heard to a closing in which I just

granted part of my time to the Senator from Virginia, the chairman of the Senate Committee on Armed Services?

Mr. THOMAS. Some of us have other things to do.

Mr. NELSON of Florida. I am quite surprised. Sadly, on a day in which two more Americans have been mutilated, sadly, on a day in which the CNN story is quoting a claim posted on a Web site that our soldiers were slaughtered ''in accordance to God's will,'' and given the fact that it is pretty clear the amendment of this Senator sets forth the policy that it is the sense of the Congress that the Government of Iraq should not grant amnesty to persons who kill Americans, I think it is self-evident.

I thank the Senator for sharing these thoughts.

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question is on agreeing to the McConnell amendment.

Mr. COCHRAN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Alabama (Mr. SHELBY).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—64

Alexander	DeMint	Lugar
Allard	DeWine	Martinez
Allen	Dodd	McCain
Baucus	Dole	McConnell
Bennett	Domenici	Murkowski
Bingaman	Ensign	Pryor
Bond	Enzi	Roberts
Brownback	Frist	Santorum
Bunning	Graham	Sessions
Burns	Grassley	Smith
Burr	Gregg	Snowe
Cantwell	Hagel	Specter
Chafee	Harkin	Stevens
Chambliss	Hatch	Sununu
Coburn	Hutchison	Talent
Cochran	Inhofe	Thomas
Coleman	Isakson	Thune
Collins	Jeffords	Vitter
Conrad	Kerry	Voinovich
Cornyn	Kyl	Warner
Craig	Landrieu	
Crapo	Lott	

NAYS—34

Akaka	Byrd	Dorgan
Bayh	Carper	Durbin
Biden	Clinton	Feingold
Boxer	Dayton	Feinstein
Inouye	Lincoln	Reid
Johnson	Menendez	Salazar
Kennedy	Mikulski	Sarbanes
Kohl	Murray	Schumer
Lautenberg	Nelson (FL)	Stabenow
Leahy	Nelson (NE)	Wyden
Levin	Obama	
Lieberman	Reed	

NOT VOTING—2

Rockefeller Shelby

The amendment (No. 4272), as modified, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4265

Mr. WARNER. Are the yeas and nays ordered on the Nelson amendment?

The PRESIDING OFFICER. No.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, parliamentary inquiry: Are we now voting on the Nelson-Menendez amendment?

The PRESIDING OFFICER. Yes.

Mr. LEVIN. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Alabama (Mr. SHELBY).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—79

Akaka	Dorgan	Menendez
Alexander	Durbin	Mikulski
Allen	Ensign	Murkowski
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Bennett	Frist	Nelson (NE)
Biden	Grassley	Obama
Bingaman	Gregg	Pryor
Boxer	Harkin	Reed
Brownback	Hatch	Reid
Burr	Hutchison	Roberts
Byrd	Inouye	Salazar
Cantwell	Isakson	Santorum
Carper	Jeffords	Sarbanes
Chafee	Johnson	Schumer
Chambliss	Kennedy	Smith
Clinton	Kerry	Snowe
Coleman	Kohl	Specter
Collins	Landrieu	Stabenow
Conrad	Lautenberg	Sununu
Craig	Leahy	Talent
Crapo	Levin	Thune
Dayton	Lieberman	Vitter
DeWine	Lincoln	Voinovich
Dodd	Lugar	Wyden
Dole	Martinez	
Domenici	McConnell	

NAYS—19

Allard	Bunning	Coburn
Bond	Burns	Cochran
Cornyn	Inhofe	Stevens
DeMint	Kyl	Thomas
Enzi	Lott	Warner
Graham	McCain	
Hagel	Sessions	

NOT VOTING—2

Rockefeller Shelby

The amendment (No. 4265) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 4308, 4299, 4349, 4271, 4226, 4350, 4351, 4352, 4353, 4354, 4213, 4210, 4300, 4209, 4215 AS MODIFIED, 4355, 4356, 4217 AS MODIFIED, 4357, 4358, 4359, AND 4360, EN BLOC

Mr. WARNER. Mr. President, the two managers have been working with Members. We have reconciled a series of amendments, and I believe at this point in time I will make the following statement: I have sent a series of amendments to the desk which have been cleared by myself and the ranking member. I ask, therefore, unanimous consent that the Senate consider these amendments en bloc, the amendments be agreed to, and motions to reconsider be laid on the table. Finally, I ask that any statements relating to any of these individual amendments be printed at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, reserving the right to object, and I will not object because the amendments have been cleared on our side, I would suggest that if we have a moment here, after the UC is accepted, we read the list of the amendments so people will know their amendments are in here. But if the leaders are ready to send us forward on our next mission, then I would withdraw that suggestion.

Mr. WARNER. Mr. President, we first ask that you act on the unanimous consent request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 4308

(Purpose: To provide for expansion of the Junior Reserve Officers' Training Corps program)

At the end of subtitle B of title III, add the following:

SEC. ___. EXPANSION OF JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

(a) IN GENERAL.—The Secretaries of the military departments shall take appropriate actions to increase the number of secondary educational institutions at which a unit of the Junior Reserve Officers' Training Corps is organized under chapter 102 of title 10, United States Code.

(b) EXPANSION TARGETS.—In increasing under subsection (a) the number of secondary educational institutions at which a unit of the Junior Reserve Officers' Training Corps is organized, the Secretaries of the military departments shall seek to organize units at an additional number of institutions as follows:

(1) In the case of Army units, 15 institutions.

(2) In the case of Navy units, 10 institutions.

(3) In the case of Marine Corps units, 15 institutions.

(4) In the case of Air Force units, 10 institutions.

AMENDMENT NO. 4299

(Purpose: To require a report on the feasibility of establishing a scholarship or fellowship program to educate future nuclear engineers at the postsecondary and postgraduate levels)

At the end of subtitle B of title XXXI, add the following:

SEC. 3121. EDUCATION OF FUTURE NUCLEAR ENGINEERS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense and the United States depend on the specialized expertise of nuclear engineers who support the development and sustainment of technologies including naval reactors, strategic weapons, and nuclear power plants.

(2) Experts estimate that over 25 percent of the approximately 58,000 workers in the nuclear power industry in the United States will be eligible to retire within 5 years, representing both a huge loss of institutional memory and a potential national security crisis.

(3) This shortfall of workers is exacerbated by reductions to the University Reactor Infrastructure and Education Assistance program, which trains civilian nuclear scientists and engineers. The defense and civilian nuclear industries are interdependent on a limited number of educational institutions to produce their workforce. A reduction in nuclear scientists and engineers trained in the civilian sector may result in a further loss of qualified personnel for defense-related research and engineering.

(4) The Department of Defense's successful Science, Math and Research for Transformation (SMART) scholarship-for-service program serves as a good model for a targeted scholarship or fellowship program designed to educate future scientists at the postsecondary and postgraduate levels.

(b) REPORT ON EDUCATION OF FUTURE NUCLEAR ENGINEERS.—

(1) STUDY.—The Secretary of Energy shall study the feasibility and merit of establishing a targeted scholarship or fellowship program to educate future nuclear engineers at the postsecondary and postgraduate levels.

(2) REPORT REQUIRED.—The President shall submit to the congressional defense committees, together with the budget request submitted for fiscal year 2008, a report on the study conducted by the Secretary of Energy under paragraph (1).

AMENDMENT NO. 4349

(Purpose: To require a National Academy of Sciences study on human exposure to contaminated drinking water at Camp Lejeune, North Carolina)

At the end of subtitle D of title III, add the following:

SEC. 352. NATIONAL ACADEMY OF SCIENCES STUDY ON HUMAN EXPOSURE TO CONTAMINATED DRINKING WATER AT CAMP LEJEUNE, NORTH CAROLINA.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Navy shall enter into an agreement with the National Academy of Sciences to conduct a comprehensive review and evaluation of the available scientific and medical evidence regarding associations between pre-natal, child, and adult exposure to drinking water contaminated with trichloroethylene (TCE) and tetrachloroethylene (PCE) at Camp Lejeune, North Carolina, as well as other pre-natal, child, and adult exposures to levels of trichloroethylene and tetrachloroethylene similar to those experienced at Camp Lejeune, and birth defects or diseases and any other adverse health effects.

(2) ELEMENTS.—In conducting the review and evaluation, the Academy shall review and summarize the scientific and medical evidence and assess the strength of that evidence in establishing a link or association between exposure to trichloroethylene and tetrachloroethylene and each birth defect or disease suspected to be associated with such exposure. For each birth defect or disease reviewed, the Academy shall determine, to the extent practicable with available scientific and medical data, whether—

(A) a statistical association with such contaminant exposures exists; and

(B) there exist plausible biological mechanisms or other evidence of a causal relationship between contaminant exposures and the birth defect or disease.

(3) SCOPE OF REVIEW.—In conducting the review and evaluation, the Academy shall include a review and evaluation of—

(A) the toxicologic and epidemiologic literature on adverse health effects of trichloroethylene and tetrachloroethylene, including epidemiologic and risk assessment reports from government agencies;

(B) recent literature reviews by the National Research Council, Institute of Medicine, and other groups;

(C) the completed and on-going Agency for Toxic Substances Disease Registry (ATSDR) studies on potential trichloroethylene and tetrachloroethylene exposure at Camp Lejeune; and

(D) published meta-analyses.

(4) PEER REVIEW.—The Academy shall obtain the peer review of the report prepared as a result of the review and evaluation under applicable Academy procedures.

(5) SUBMITTAL.—The Academy shall submit the report prepared as a result of the review and evaluation to the Secretary and Congress not later than 18 months after entering into the agreement for the review and evaluation under paragraph (1).

(b) NOTICE ON EXPOSURE.—

(1) NOTICE REQUIRED.—Upon completion of the current epidemiological study by the Agency for Toxic Substances Disease Registry, known as the Exposure to Volatile Organic Compounds in Drinking Water and Specific Birth Defects and Childhood Cancers, United States Marine Corps Base Camp Lejeune, North Carolina, the Commandant of the Marine Corps shall take appropriate actions, including the use of national media such as newspapers, television, and the Internet, to notify former Camp Lejeune residents and employees who may have been exposed to drinking water impacted by trichloroethylene and tetrachloroethylene of the results of the study.

(2) ELEMENTS.—The information provided by the Commandant of the Marine Corps under paragraph (1) shall be prepared in conjunction with the Agency for Toxic Substances Disease Registry and shall include a description of sources of additional information relating to such exposure, including, but not be limited to, the following:

(A) A description of the events resulting in exposure to contaminated drinking water at Camp Lejeune.

(B) A description of the duration and extent of the contamination of drinking water at Camp Lejeune.

(C) The known and suspected health effects of exposure to the drinking water impacted by trichloroethylene and tetrachloroethylene at Camp Lejeune.

AMENDMENT NO. 4271

(Purpose: To enhance the authorities and responsibilities of the National Guard Bureau)

At the end of title IX, add the following:

Subtitle D—National Guard Bureau Matters

SEC. 931. SHORT TITLE.

This title may be cited as the ''National Defense Enhancement and National Guard Empowerment Act of 2006''.

SEC. 9322. EXPANDED AUTHORITY OF CHIEF OF THE NATIONAL GUARD BUREAU AND EXPANDED FUNCTIONS OF THE NATIONAL GUARD BUREAU.

(a) EXPANDED AUTHORITY.—

(1) IN GENERAL.—Subsection (a) of section 10501 of title 10, United States Code, is amended by striking ''joint bureau of the Department of the Army and the Department of the Air Force'' and inserting ''joint activity of the Department of Defense''.

(2) PURPOSE.—Subsection (b) of such section is amended by striking ''between'' and all that follows and inserting ''between—

''(1)(A) the Secretary of Defense, the Joint Chiefs of Staff, and the commanders of the combatant commands for the United States, and (B) the Department of the Army and the Department of the Air Force; and

''(2) the several States.''.

(b) ENHANCEMENTS OF POSITION OF CHIEF OF THE NATIONAL GUARD BUREAU.—

(1) ADVISORY FUNCTION ON NATIONAL GUARD MATTERS.—Subsection (c) of section 10502 of title 10, United States Code, is amended by inserting ''to the Secretary of Defense, to the Chairman of the Joint Chiefs of Staff,'' after ''principal advisor''.

(2) GRADE.—Subsection (e) of such section, as redesignated by paragraph (2)(A)(i) of this subsection, is further amended by striking ''lieutenant general'' and inserting ''general''.

(3) ANNUAL REPORT TO CONGRESS ON VALIDATED REQUIREMENTS.—Section 10504 of such title is amended by adding at the end the following new subsection:

''(c) ANNUAL REPORT ON VALIDATED REQUIREMENTS.—Not later than December 31 each year, the Chief of the National Guard Bureau shall submit to Congress a report on the requirements validated under section 10503a(b)(1) of this title during the preceding fiscal year.''.

(c) ENHANCEMENT OF FUNCTIONS OF NATIONAL GUARD BUREAU.—

(1) DEVELOPMENT OF CHARTER.—Section 10503 of title 10, United States Code, is amended—

(A) in the matter preceding paragraph (1), by striking ''The Secretary of the Army and the Secretary of the Air Force shall jointly develop'' and inserting ''The Secretary of Defense, in consultation with the Secretary of the Army and the Secretary of the Air Force, shall develop''; and

(B) in paragraph (12), by striking ''the Secretaries'' and inserting ''the Secretary of Defense''.

(2) ADDITIONAL GENERAL FUNCTIONS.—Such section is further amended—

(A) by redesignating paragraph (12), as amended by paragraph (1)(B) of this subsection, as paragraph (13); and

(B) by inserting after paragraph (11) the following new paragraph (12):

''(12) Facilitating and coordinating with other Federal agencies, and with the several States, the use of National Guard personnel and resources for and in contingency operations, military operations other than war, natural disasters, support of civil authorities, and other circumstances.''.

(3) MILITARY ASSISTANCE FOR CIVIL AUTHORITIES.—Chapter 1011 of such title is further amended by inserting after section 10503 the following new section:

"§ 10503a. Functions of National Guard Bureau: military assistance to civil authorities

''(a) IDENTIFICATION OF ADDITIONAL NECESSARY ASSISTANCE.—The Chief of the National Guard Bureau shall—

''(1) identify gaps between Federal and State capabilities to prepare for and respond to emergencies; and

''(2) make recommendations to the Secretary of Defense on programs and activities of the National Guard for military assistance to civil authorities to address such gaps.

''(b) SCOPE OF RESPONSIBILITIES.—In meeting the requirements of subsection (a), the Chief of the National Guard Bureau shall, in coordination with the Adjutant Generals of the States, have responsibilities as follows:

''(1) To validate the requirements of the several States and Territories with respect to military assistance to civil authorities.

''(2) To develop doctrine and training requirements relating to the provision of military assistance to civil authorities.

''(3) To administer amounts provided the National Guard for the provision of military assistance to civil authorities.

''(4) To carry out any other responsibility relating to the provision of military assistance to civil authorities as the Secretary of Defense shall specify.

''(c) ASSISTANCE.—The Chairman of the Joint Chiefs of Staff shall assist the Chief of the National Guard Bureau in carrying out activities under this section.

''(d) CONSULTATION.—The Chief of the National Guard Bureau shall carry out activities under this section in consultation with the Secretary of the Army and the Secretary of the Air Force.''.

(4) LIMITATION ON INCREASE IN PERSONNEL OF NATIONAL GUARD BUREAU.—The Secretary of Defense shall, to the extent practicable, ensure that no additional personnel are assigned to the National Guard Bureau in order to address administrative or other requirements arising out of the amendments made by this subsection.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of section 10503 of such title is amended to read as follows:

"§ 10503. Functions of National Guard Bureau: charter".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1011 of such title is amended by striking the item relating to section 10503 and inserting the following new items:

''10503. Functions of National Guard Bureau: charter.
''10503a. Functions of National Guard Bureau: military assistance to civil authorities.''.

SEC. 933. REQUIREMENT THAT POSITION OF DEPUTY COMMANDER OF THE UNITED STATES NORTHERN COMMAND BE FILLED BY A QUALIFIED NATIONAL GUARD OFFICER.

(a) IN GENERAL.—The position of Deputy Commander of the United States Northern Command shall be filled by a qualified officer of the National Guard who is eligible for promotion to the grade of lieutenant general.

(b) PURPOSE.—The purpose of the requirement in subsection (a) is to ensure that information received from the National Guard Bureau regarding the operation of the National Guard of the several States is integrated into the plans and operations of the United States Northern Command.

AMENDMENT NO. 4226

(Purpose: To clarify the applicability of the Uniform Code of Military Justice during a time of war)

At the end of subtitle C of title V, add the following:

SEC. 552. CLARIFICATION OF APPLICATION OF UNIFORM CODE OF MILITARY JUSTICE DURING A TIME OF WAR.

Paragraph (10) of section 802(a) of title 10, United States Code (article 2(a) of the Uniform Code of Military Justice), is amended by striking ''war'' and inserting ''declared war or a contingency operation''.

AMENDMENT NO. 4350

(Purpose: To modify authorities relating to the composition and appointment of members of the United States Marine Band and the United States Marine Drum and Bugle Corps)

At the end of subtitle A of title IX, add the following:

SEC. 903. UNITED STATES MARINE BAND AND UNITED STATES MARINE DRUM AND BUGLE CORPS.

(a) IN GENERAL.—Section 6222 of title 10, United States Code, is amended to read as follows:

"§ 6222. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members

''(a) UNITED STATES MARINE BAND.—The band of the Marine Corps shall be composed of one director, two assistant directors, and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

''(b) UNITED STATES MARINE DRUM AND BUGLE CORPS.—The drum and bugle corps of the Marine Corps shall be composed of one commanding officer and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

''(c) APPOINTMENT AND PROMOTION.—(1) The Secretary of the Navy shall prescribe regulations for the appointment and promotion of members of the Marine Band and members of the Marine Drum and Bugle Corps.

''(2) The President may from time to time appoint members of the Marine Band and members of the Marine Drum and Bugle Corps to grades not above the grade of captain. The authority of the President to make appointments under this paragraph may be delegated only to the Secretary of Defense.

''(3) The President, by and with the advice and consent of the Senate, may from time to time appoint any member of the Marine Band or of the Marine Drum and Bugle Corps to a grade above the grade of captain.

''(d) RETIREMENT.—Unless otherwise entitled to higher retired grade and retired pay, a member of the Marine Band or Marine Drum and Bugle Corps who holds, or has held, an appointment under this section is entitled, when retired, to be retired in, and with retired pay based on, the highest grade held under this section in which the Secretary of the Navy determines that such member served satisfactorily.

''(e) REVOCATION OF APPOINTMENT.—The Secretary of the Navy may revoke any appointment of a member of the Marine Band or Marine Drum and Bugle Corps. When a member's appointment to a commissioned grade terminates under this subsection, such member is entitled, at the option of such member—

''(1) to be discharged from the Marine Corps; or

''(2) to revert to the grade and status such member held at the time of appointment under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 565 of such title is amended by striking the item relating to section 6222 and inserting the following new item:

''6222. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members.''.

AMENDMENT NO. 4351

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 4352

(Purpose: To authorize the temporary use of the National Guard to provide support for border security along the southern land border of the United States)

At the end of subtitle E of title X, add the following:

SEC. 1044. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—(1) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the Southern land border of the United States the activities authorized in subsection (b) for the purpose of securing such border. Such duty shall not exceed 21 days in any year.

(2) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform duty under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units and personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The activities authorized by this subsection are the following:

(1) Ground surveillance activities.

(2) Airborne surveillance activities.

(3) Logistical support.

(4) Provision of translation services and training.

(5) Provision of administrative support services.

(6) Provision of technical training services.

(7) Provision of emergency medical assistance and services.

(8) Provision of communications services.

(9) Rescue of aliens in peril.

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States.

(11) Ground and air transportation.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between the Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under this section shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty.

(f) PROHIBITION ON DIRECT PARTICIPATION IN LAW ENFORCEMENT.—Activities carried out under this section shall not include the direct participation of a member of the National Guard in a search, seizure, arrest, or similar activity.

(g) DURATION OF AUTHORITY.—The authority of this section shall expire on January 1, 2009.

(h) DEFINITIONS.—In this section:

(1) The term ''Governor of a State'' means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) The term ''State'' means each of the several States and the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) The term ''State along the southern land border of the United States'' means each of the following:

(A) The State of Arizona.

(B) The State of California.

(C) The State of New Mexico.

(D) The State of Texas.

AMENDMENT NO. 4353

(Purpose: To ensure government performance of critical acquisition functions)

At the end of subtitle A of title VIII, add the following:

SEC. 812. GOVERNMENT PERFORMANCE OF CRITICAL ACQUISITION FUNCTIONS.

(a) GOVERNMENT PERFORMANCE OF FUNCTIONS.—

(1) IN GENERAL.—Section 2383 of title 10, United States Code is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) GOVERNMENT PERFORMANCE OF CRITICAL ACQUISITION FUNCTIONS.—The head of an agency shall ensure that, at a minimum, for each major defense acquisition program and each major automated information system program, each of the following positions is performed by a properly qualified full-time Federal military or civilian employee:

''(1) Program manager.

''(2) Deputy program manager.

''(3) Chief engineer.

''(4) Systems engineer.

''(5) Cost estimator.

(2) DEFINITIONAL MATTERS.—Subsection (c) of such section, as redesignated by paragraph (1)(A) of this subsection, is further amended by adding at the end the following new paragraphs:

''(5) The term 'major defense acquisition program' has the meaning given such term in section 2430(a) of this title.

''(6) The term 'major automated information system program' has the meaning given such term in section 2445a(a) of this title.''.

(b) EFFECTIVE DATE AND PHASE-IN.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is one year after the date of enactment of this Act.

(2) TEMPORARY WAVER.—During the two years period beginning on the effective date specified in paragraph (1), the head of an agency may waive the requirement in subsection (b) of section 2383 of title 10, United States Code, as amended by subsection (a) of this section, with regard to a specific function on a particular program upon a written determination by the head of the agency that a properly qualified full-time Federal military or civilian employee cannot reasonably be made available to perform such function.

AMENDMENT NO. 4354

(Purpose: To require a report on technologies designed to neutralize or defeat the threat to military rotary wing aircraft posed by portable air defense systems and rocket propelled grenades)

At the end of subtitle G of title X, add the following:

SEC. 1066. REPORT ON TECHNOLOGIES FOR NEUTRALIZING OR DEFEATING THREATS TO MILITARY ROTARY WING AIRCRAFT FROM PORTABLE AIR DEFENSE SYSTEMS AND ROCKET PROPELLED GRENADES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on technologies for neutralizing or defeating threats to military rotary wing aircraft posed by portable air defense systems and rocket propelled grenades that are being researched, developed, employed, or considered by the United States Government or the North Atlantic Treaty Organization.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an assessment of the expected value and utility of the technologies, particularly with respect to—

(A) the saving of lives;

(B) the ability to reduce the vulnerability of aircraft; and

(C) the enhancement of the ability of aircraft and their crews to accomplish assigned missions;

(2) an assessment of the potential costs of developing and deploying such technologies;

(3) a description of efforts undertaken to develop such technologies, including—

(A) non-lethal counter measures;

(B) lasers and other systems designed to dazzle, impede, or obscure threatening weapon or their users;

(C) direct fire response systems;

(D) directed energy weapons; and

(E) passive and active systems; and

(4) a description of any impediments to the development of such technologies, such as legal restrictions under the law of war, treaty restrictions under the Protocol on Blinding Lasers, and political obstacles such as the reluctance of other allied countries to pursue such technologies.

AMENDMENT NO. 4213

(Purpose: To provide for a review of the legal status of the Junior Reserve Officers' Training Corps program)

At the end of subtitle D of title V, add the following:

SEC. 569. REVIEW OF LEGAL STATUS OF JUNIOR ROTC PROGRAM.

(a) REVIEW.—The Secretary of Defense shall conduct a review of the 1976 legal opinion issued by the General Counsel of the Department of Defense regarding instruction of non-host unit students participating in Junior Reserve Officers' Training Corps programs. The review shall consider whether changes to law after the issuance of that opinion allow in certain circumstances for the arrangement for assignment of instructors that provides for the travel of an instructor from one educational institution to another once during the regular school day for the purposes of the Junior Reserve Officers' Training Corps program as an authorized arrangement that enhances administrative efficiency in the management of the program. If the Secretary, as a result of the review, determines that such authority is not available, the Secretary should also consider whether such authority should be available and whether there should be authority to waive the restrictions under certain circumstances.

(b) REPORT.—The Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the review not later than 180 days after the date of the enactment of this Act.

(c) INTERIM AUTHORITY.—A current institution that has more than 70 students and is providing support to another educational institutional with more than 70 students and has been providing for the assignment of instructors from one school to the other may continue to provide such support until 180 days following receipt of the report under subsection (b).

AMENDMENT NO. 4210

(Purpose: Expressing the sense of the Senate on notice to Congress of the recognition of members of the Armed Forces for extraordinary acts of heroism, bravery, and achievement)

At the end of subtitle F of title V, add the following:

SEC. 587. SENSE OF SENATE ON NOTICE TO CONGRESS OF RECOGNITION OF MEMBERS OF THE ARMED FORCES FOR EXTRAORDINARY ACTS OF BRAVERY, HEROISM, AND ACHIEVEMENT.

It is the sense of the Senate that the Secretary of Defense or the Secretary of the military department concerned should, upon awarding a medal to a member of the Armed Forces or otherwise commending or recognizing a member of the Armed Forces for an act of extraordinary heroism, bravery, achievement, or other distinction, notify the Committee on Armed Services of the Senate and House of Representatives, the Senators from the State in which such member resides, and the Member of the House of Representatives from the district in which such member resides of such extraordinary award, commendation, or recognition.

AMENDMENT NO. 4300

(Purpose: Relating to multi-spectral imaging capabilities)

At the end of subtitle D of title I, add the following:

SEC. 147. MULTI-SPECTRAL IMAGING CAPABILITIES.

(a) FINDINGS.—The Senate makes the following findings:

(1) The budget of the President for fiscal year 2007, as submitted to Congress under section 1105(a) of title 31, United States Code, and the current Future-Years Defense Program adopts an Air Force plan to retire the remaining fleet of U–2 aircraft by 2011.

(2) This retirement would eliminate the multi-spectral capability provided by the electro-optical/infrared (EO/IR) Senior Year Electro-optical Reconnaissance System (SYERS-2) high-altitude imaging system.

(3) The system referred to in paragraph (2) provides high-resolution, long-range, day-and-night image intelligence.

(4) The infrared capabilities of the system referred to in paragraph (2) can defeat enemy efforts to use camouflage or concealment, as well as provide images through poor visibility and smoke.

(5) Although the Air Force has previously recognized the military value of Senior Year Electro-optical Reconnaissance System sensors, the Air Force has no plans to migrate this capability to any platform remaining in the fleet.

(6) The Air Force could integrate such capabilities onto the Global Hawk platform to retain this capability for combatant commanders.

(7) The Nation risks a loss of an important intelligence gathering capability if this capability is not transferred to another platform.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Air Force should investigate ways to retain the multi-spectral imaging capabilities provided by the Senior Year Electro-optical Reconnaissance System high-altitude imaging system after the retirement of the U–2 aircraft fleet.

(c) REPORT REQUIREMENT.—The Secretary of the Air Force shall submit to the congressional defense committees, at the same time the budget of the President for fiscal year 2008 is submitted to Congress under section 1105(a) of title 31, United States Code, a plan for migrating the capabilities provided by the Senior Year Electro-optical Reconnaissance System high-altitude imaging system from the U–2 aircraft to the Global Hawk

platform before the retirement of the U–2 aircraft fleet in 2011.

AMENDMENT NO. 4209

(Purpose: To commend the men and women of the Armed Forces of the United States in Iraq for their on-going service to the United States)

At the the end of subtitle I of title X, insert the following:

SEC. 1084. SENSE OF CONGRESS REGARDING THE MEN AND WOMEN OF THE ARMED FORCES OF THE UNITED STATES IN IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) In 2003, members of the Armed Forces of the United States successfully liberated the people of Iraq from the tyrannical regime of Saddam Hussein.

(2) Members of the Armed Forces of the United States have bravely risked their lives everyday over the last 3 years to protect the people of Iraq from terror attacks by Al Qaeda and other extremist organizations.

(3) Members of the Armed Forces of the United States have conducted dozens of operations with coalition forces to track, apprehend, and eliminate terrorists in Iraq.

(4) Members of the Armed Forces of the United States have helped sustain political progress in Iraq by assisting the people of Iraq as they exercised their right to choose their leaders and draft their own constitution.

(5) Members of the Armed Forces of the United States have taught over 150,000 soldiers of Iraq to respect civilian authority, conduct counter-insurgency operations, provide meaningful security, and protect the people of Iraq from terror attacks.

(6) Members of the Armed Forces of the United States have built new schools, hospitals, and public works throughout Iraq.

(7) Members of the Armed Forces of the United States have helped rebuild Iraq's dilapidated energy sector.

(8) Members of the Armed Forces of the United States have restored electrical power and sewage waste treatment for the people of Iraq.

(9) Members of the Armed Forces of the United States have established lasting and productive relationships with local leaders in Iraq and secured the support of a majority of the populace of Iraq.

(10) Members of the Armed Forces of the United States have courageously endured sophisticated terror tactics, including deadly car-bombs, sniper attacks, and improvised explosive devices.

(11) Members of the Armed Forces of the United States have paid a high cost in order to defeat the terrorists, defend innocent civilians, and protect democracy from those who desire the return of oppression and extremism to Iraq.

(12) Members of the Armed Forces of the United States have performed their duty in Iraq with an unflagging commitment to the highest ideals and traditions of the United States and the Armed Forces.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the men and women in uniform of the Armed Forces of the United States in Iraq should be commended for their on-going service to the United States, their commitment to the ideals of the United States, and their determination to win the Global War on Terrorism;

(2) gratitude should be expressed to the families of the Armed Forces of the United States, especially those families who have lost loved ones in Operational Iraqi Freedom; and

(3) the people of the United States should honor those who have paid the ultimate sacrifice and assist those families who have loved ones in the Armed Forces of the United States deployed overseas.

AMENDMENT NO. 4215

(Purpose: To provide for 2 programs to authorize the use of leave by cargivers for family members of certain individuals performing military service, and for other purposes)

At the appropriate place, insert the following:

SEC. ___ PROGRAMS FOR USE OF LEAVE BY CAREGIVERS FOR FAMILY MEMBERS OF INDIVIDUALS PERFORMING CERTAIN MILITARY SERVICE.

(a) FEDERAL EMPLOYEES PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) CAREGIVER.—The term ''caregiver'' means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term ''covered period of service'' means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (3) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term ''employee'' has the meaning given under section 6331 of title 5, United States Code.

(D) FAMILY MEMBER.—The term ''family member'' includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term ''qualified member of the Armed Forces'' means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management shall establish a program to authorize a caregiver to—

(A) use any sick leave of that caregiver during a covered period of service in the same manner and to the same extent as annual leave is used; and

(B) use any leave available to that caregiver under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service as though that covered period of service is a medical emergency.

(3) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing agency and the Office of Personnel Management.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(4) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(5) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection.

(6) TERMINATION.—The program under this subsection shall terminate on December 31, 2007.

(b) VOLUNTARY PRIVATE SECTOR LEAVE PROGRAM.—

(1) DEFINITIONS.—

(A) CAREGIVER.—The term ''caregiver'' means an individual who—

(i) is an employee;

(ii) is at least 21 years of age; and

(iii) is capable of self care and care of children or other dependent family members of a qualified member of the Armed Forces.

(B) COVERED PERIOD OF SERVICE.—The term ''covered period of service'' means any period of service performed by an employee as a caregiver while the individual who designated the caregiver under paragraph (4) remains a qualified member of the Armed Forces.

(C) EMPLOYEE.—The term ''employee'' means an employee of a business entity participating in the program under this subsection.

(D) FAMILY MEMBER.—The term ''family member'' includes—

(i) individuals for whom the qualified member of the Armed Forces provides medical, financial, and logistical support (such as housing, food, clothing, or transportation); and

(ii) children under the age of 19 years, elderly adults, persons with disabilities, and other persons who are unable to care for themselves in the absence of the qualified member of the Armed Forces.

(E) QUALIFIED MEMBER OF THE ARMED FORCES.—The term ''qualified member of the Armed Forces'' means—

(i) a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code, who has received notice to report to, or is serving on, active duty in the Armed Forces in support of a contingency operation as defined under section 101(a)(13) of title 10, United States Code; or

(ii) a member of the Armed Forces on active duty who is eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code.

(2) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Secretary of Labor may establish a program to authorize employees of business entities described under paragraph (3) to use sick leave, or any other leave available to an employee, during a covered period of service in the same manner and to the same extent as annual leave (or its equivalent) is used.

(B) EXCEPTION.—Subparagraph (A) shall not apply to leave made available under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.).

(3) VOLUNTARY BUSINESS PARTICIPATION.—The Secretary of Labor may solicit business entities to voluntarily participate in the program under this subsection.

(4) DESIGNATION OF CAREGIVER.—

(A) IN GENERAL.—A qualified member of the Armed Forces shall submit a written designation of the individual who is the caregiver for any family member of that member of the Armed Forces during a covered period of service to the employing business entity.

(B) DESIGNATION OF SPOUSE.—Notwithstanding paragraph (1)(A)(ii), an individual less than 21 years of age may be designated

as a caregiver if that individual is the spouse of the qualified member of the Armed Forces making the designation.

(5) USE OF CAREGIVER LEAVE.—Leave may only be used under this subsection for purposes directly relating to, or resulting from, the designation of an employee as a caregiver.

(6) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor may prescribe regulations to carry out this subsection.

(7) TERMINATION.—The program under this subsection shall terminate on December 31, 2007.

(c) GAO REPORT.—Not later than June 30, 2007, the Government Accountability Office shall submit a report to Congress on the programs under subsections (a) and (b) that includes—

(1) an evaluation of the success of each program; and

(2) recommendations for the continuance or termination of each program.

AMENDMENT NO. 4355

(Purpose: To modify the increase in the fiscal year 2006 general transfer authority)

On page 380, line 18, strike ''$3,750,000,000'' and insert ''$5,000,000,000''.

AMENDMENT NO. 4356

(Purpose: To authorize additional emergency supplemental appropriations for fiscal year 2006)

Strike section 1002 and insert the following:

SEC. 1002. AUTHORIZATION OF ADDITIONAL EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2006.

(a) IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERROR.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title I of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

(b) HURRICANE DISASTER RELIEF AND RECOVERY.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

(c) BORDER SECURITY.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title V of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

AMENDMENT NO. 4217

(Purpose: To require a report on the future aerial training airspace requirements of the Department of Defense)

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON AERIAL TRAINING AIRSPACE REQUIREMENTS OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Access to and use of available and unfettered aerial training airspace is critical for preserving aircrew warfighting proficiency and the ability to test, evaluate, and improve capabilities of both personnel and equipment within the most realistic training environments possible.

(2) The growth of civilian and commercial aviation traffic and the rapid expansion of commercial and general air traffic lanes across the continental Unites States has left few remaining areas of the country available for realistic air combat training or expansion of existing training areas.

(3) Many Military Operating Areas (MOAs) originally established in what was once open and uncongested airspace are now encroached upon by a heavy volume of commercial and general air traffic, making training more difficult and potentially hazardous.

(4) Some aerial training areas in the upper great plains, western States, and Gulf coast remain largely free from encroachment and available for increased use, expansion, and preservation for the future.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should—

(1) establish a policy to identify military aerial training areas that are projected to remain viable and free from encroachment well into the 21st century;

(2) determine aerial training airspace requirements to meet future training and airspace requirements of current and next generation military aircraft; and

(3) undertake all necessary actions in a timely manner, including coordination with the Federal Aviation Administration, to preserve, and if necessary, expand those areas of airspace to meet present and future training requirements.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a proposed plan to preserve and, if necessary, expand available aerial training airspace to meet the projected needs of the Department of Defense for such airspace through 2025.

AMENDMENT NO. 4357

(Purpose: To establish a goal of the Department of Defense relating to the use of renewable energy to meet electricity needs)

At the end of subtitle B of title XXVIII, add the following:

SEC. 2828. USE OF RENEWABLE ENERGY TO MEET ELECTRICITY NEEDS.

It shall be the goal of the Department of Defense to ensure that the Department—

(1) produces or procures not less than 25 percent of the total quantity of electric energy it consumes within its facilities and in its activities during fiscal year 2025 and each fiscal year thereafter from renewable energy sources (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)); and

(2) produces or procures such renewable energy when it is life-cycle cost effective to do so (as defined in section 708 of Executive Order 13123 (42 U.S.C. 8251 note; relating to greening the Government through efficient energy management)).

AMENDMENT NO. 4358

(Purpose: To modify the limitation on availability of funds for Department of Defense participation in multinational military centers of excellence)

On page 463, beginning on line 8, strike ''paragraph (1) in fiscal year 2007 for the expenses and costs'' and insert ''paragraph (1)(A) in fiscal year 2007 for the expenses''.

AMENDMENT NO. 4359

(Purpose: To require a report on actions to reduce the consumption of petroleum-based fuel by the Department of Defense)

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON ACTIONS TO REDUCE DEPARTMENT OF DEFENSE CONSUMPTION OF PETROLEUM-BASED FUEL.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions taken, and to be taken, by the Department of Defense to reduce the consumption by the Department of petroleum-based fuel.

(b) ELEMENTS.—The report shall include the status of implementation by the Department of the requirements of the following:

(1) The Energy Policy Act of 2005 (Public Law 109–58).

(2) The Energy Policy Act of 1992. (Public Law 102–486)

(3) Executive Order 13123.

(4) Executive Order 13149.

(5) Any other law, regulation, or directive relating to the consumption by the Department of petroleum-based fuel.

AMENDMENT NO. 4360

(Purpose: To require a report assessing the desirability and feasibility of conducting joint officer promotion selection boards)

At the end of part II of subtitle A of title V, add the following:

SEC. 521. REPORT ON JOINT OFFICER PROMOTION BOARDS.

(a) REPORT REQUIRED.—Not later than June 1, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and House of Representatives a report on the desirability and feasibility of conducting joint officer promotion selection boards.

(b) ELEMENTS.—The report under subsection (a) shall include—

(1) a discussion of the limitations in existing officer career paths and promotion procedures that might warrant the conduct of joint officer promotion selection boards;

(2) an identification of the requirements for officers for which joint officer promotion selection boards would be advantageous;

(3) recommendations on methods to demonstrate how joint officer promotion selection boards might be structured, and an evaluation of the feasibility of such methods; and

(4) any proposals for legislative action that the Secretary considers appropriate.

Mr. JEFFORDS. Mr. President, I am pleased that my amendment to support military families was accepted today by the Senate by unanimous consent to S. 2766, the National Defense Authorization Act of fiscal year 2007. Let me begin by thanking my good friend, the Senator from Wisconsin, Mr. FEINGOLD, who joined me last year in introducing the legislation upon which this amendment is based, S. 1888, the Military Family Support Act. His advocacy for this issue and for the families of our men and women in uniform is greatly appreciated. I would also like to recognize Senator DAYTON, Senator LAUTENBERG, and Senator MURRAY for their support for this amendment. Of course, the Senate and our Nation benefit greatly from the leadership on national defense issues of the Senator from Virginia, Mr. WARNER, chairman of the

Senate Armed Services Committee, and the Senator from Michigan, Mr. LEVIN. I thank them both and their staff for their assistance with this amendment.

I would also like to acknowledge the cooperation of Senate Homeland Security and Government Affairs Committee Chairwoman COLLINS and Ranking Member LIEBERMAN and the expertise of their staff. They were very helpful in the process that has led to this amendment, and I appreciate their assistance.

At about this time last year, I was contacted by a group of Vermonters who were trying to help their coworkers with family members serving in Iraq as part of the Vermont National Guard. I was impressed by the generosity of Vermonters who wanted to do all they could to help ease the strains of military deployments felt by their friends and neighbors. I was also reminded of how a family's day-to-day life is disrupted by a deployment of a loved one overseas.

This amendment calls for two pilot programs to help with family disruptions due to an overseas deployment. The first pilot program, administered by the Office of Personnel Management, OPM, would authorize Federal employees who have been designated by a member of the Armed Forces as ''caregivers'', as defined by the Department of Defense, DOD, to use their leave in a more flexible manner. No new leave would be given to any employees. This amendment simply makes leave already available more useful during stressful times for military families. The second pilot program allows the Department of Labor, DOL, to solicit businesses to voluntarily take part in a program to offer more accommodating leave to their employees. This amendment does not include in its scope the Family Medical Leave Act, FMLA, and it does not require any private sector entity to participate.

Mr. President, in closing, this amendment aims to make life a little easier for those who are already giving so much to our country and to their communities.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent that the pending amendment be set aside and this amendment be sent to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, reserving the right to object, I am wondering whether we have an order here where we are alternating and, if so, what the situation is.

Mr. WARNER. Mr. President, I would respond that we have concluded all the work at the moment. I believe our leaders are working out a procedure by which the minimum wage amendments are being addressed.

Mr. LEVIN. I wonder, as the alternative now comes to us, whether we could let Senator HARKIN first go before Senator ENZI. On the other hand, if it is your turn in rotation, then we would have no objection.

Mr. WARNER. Mr. President, at this moment I think there has been a request to go off of our bill. Is that the request of the Senator from Wyoming?

Mr. ENZI. No, Mr. President. Senator KENNEDY filed an amendment that dealt with the minimum wage. I actually won't send mine to the desk right now, but I would like to comment on that right now.

Mr. WARNER. The Senator is quite correct, quite correct. We will remain on the bill for the purpose of debate on such amendments relative to minimum wage that may be brought forward, correct. Senator KENNEDY's is at the desk and you wish to speak to it?

Mr. ENZI. That is correct. Of course, I am going to ask that he withdraw that amendment and I do not propose my amendment because they don't have to do with the Department of Defense authorization.

The PRESIDING OFFICER. Does the Senator request to set aside the pending amendment?

Mr. ENZI. The Senator withdraws his request to do that but requests the floor.

The PRESIDING OFFICER. The Senator has the floor.

Mr. ENZI. Mr. President, I know that some people who are following this debate might be wondering how the minimum wage relates to legislation that authorizes national security programs in the Department of Defense and the Department of Energy for the next year, and that is certainly a valid question. The answer is: It doesn't.

The underlying legislation the Senate has been considering for over a week is of tremendous importance to our national security. The bill is bipartisan and was reported out of committee unanimously. As those of us who chair committees know, it isn't easy to obtain unanimous bipartisan support for legislation. Chairman WARNER and Ranking Member LEVIN worked hard to achieve this feat because the subject of the bill is so critically important. Now I believe we owe it to them, as well as to our constituents and every American, to give this national security legislation swift consideration so that it can become law.

The amendment offered by Senator KENNEDY has the opposite effect. It will slow this bill down because it is an entirely different subject than the underlying bill. It will take up valuable debate time that should be spent on the bill's national security provisions. Should it be adopted, the Kennedy amendment would become a thorny issue for the conference committee, and that will further slow down the bill's enactment.

Even more frustrating, the issue Senator KENNEDY is raising has been considered and voted on by the Senate four times already in this Congress. We voted on the majority and minority plans to raise the minimum wage twice. We voted on the two of them in March, and we voted on them in November. Now, both times, no proposal succeeded.

Amendments offered by the Senate must comply with certain budget rules which, as a member of the Budget Committee, I fully support. Amendments that constitute an unfunded mandate are subject to a point of order which can only be waived with a vote of 60 Senators. Not 1 of the 4 minimum wage amendments has received 60 votes in the Senate this Congress. Yet here we are again, facing the same situation, using up time on the Defense bill. The outcome is likely to be the same as it was the last four times we voted. Knowing this, I find it difficult to understand why those on the other side of the aisle want to bring it up again on this critically important national security bill.

Let us not misuse the time we should be spending debating our national security priorities for the next year by repeating votes that already occurred four times in this Congress. Instead, let's focus on how we should prepare for the many threats we face as a nation. The good men and women who work for the Department of Defense and the Department of Energy need our authorization and our guidance to move forward with their activities that keep us safe. We have always done it before we do the appropriations on those budgets. We should not let them down. We should not let the American people down.

I urge my colleagues on the other side of the aisle not to divert this debate on to an entirely unrelated matter, the outcome of which is clearly determinable. So I urge my colleague, Senator KENNEDY, to withdraw his amendment. I would add that if he does not, I am plenty willing to have the debate again. We want to have the American public making as much money as possible.

I would rise in opposition to the amendment offered by Senator KENNEDY that would increase the Federal minimum wage to $7.25 over 26 months, which amounts to a 41-percent increase. My amendment would raise the minimum wage by $1.10 in two 55-cent steps over 18 months. But, more important than the numbers, only my amendment recognizes the enormous burdens a mandate such as this would place on the backs of America's small businesses.

The Senator from Massachusetts has previously referred to the economic effect of the minimum wage proposal as a drop in the bucket in the national payroll. Comments such as this are

precisely why small business owners across the Nation believe that Washington, DC, politicians do not understand their needs. We must always bear in mind that these are the people who create jobs that provide an increasing percentage of employment for all workers, including those entering the workforce for the first time and those who most need to acquire job skills. Those businesses train people with no skills. We are not talking minimum wage; we are talking minimum skills. And a lot of the small businesses that employ people at a minimum wage hire them at a minimum wage with no skills. As they get skills, which in many of those businesses occur in the first month they are hired, they go above the minimum wage to other levels, and as quickly as they learn other skills, they get paid more money or they go elsewhere, which is another option.

It is particularly offensive to those employers doing that training to suggest that a 41-percent increase in their labor costs amounts to a drop in the bucket. A 41-percent increase in labor costs forces a small businessperson to face difficult choices such as whether to increase prices, which they usually can't do or face a potential loss of customers because they raise the price, or whether to reduce spending on health insurance coverage or other benefits for their employees or, the worst of all possibilities, to terminate employees. These choices are far more significant than a drop in the bucket.

Apart from its failure to mitigate the cost of this mandate for small businesses, Senator KENNEDY's amendment also fails to address the root of the problem for our lowest paid workers. Congress, by simply imposing an artificial wage increase, will not meaningfully address the real issue of the lowest paid workers. Regardless of the size of any wage increase Congress might impose, the reality is that yesterday's lowest paid worker, assuming he or she still has any job, will continue to be tomorrow's lowest paid worker as well. There is a spiral effect to these increases when we do them because everybody all up the chain has to have an increase to stay ahead of those with no skills. There are even union agreements that are tied to raises in the minimum wage, which is probably a bigger reason we debate the minimum wage on such a frequent basis around here.

But if everybody gets a raise, something has to happen to cover the cost of that raise. As I mentioned, you either eliminate employees so that you are increasing productivity to handle the same thing or you are raising the price. If you raise the price, you create inflation. If you create inflation, what they were able to buy for minimum wage today they can't afford for tomorrow's minimum wage because the price went up. So a false economy of just demanding by Congress that everybody do this really doesn't affect the economy the way we think it will. The way that you do that is advancement on the job and earned wage growth. Earned wage growth cannot be legislated. We do a disservice to all concerned, most especially the chronic low-wage worker, to suggest that a Federal wage mandate is the answer.

What we need to focus on is not an artificially imposed number but the acquisition and improvement of job and job-related skills. In this context we should recognize that only 68 percent of the students entering the ninth grade 4 years ago—68 percent of the students entering the ninth grade 4 years ago are expected to graduate this year. Do you know what kind of a job you get if you don't graduate from high school? Well, 68 percent of the kids who entered 4 years ago—not all of them—are going to graduate. For minority students this number hovers around 50 percent. In addition, we continue to experience a dropout rate of 11 percent a year. These noncompletion and dropout rates and the poor earning capacity that comes with them cannot be fixed by a Federal minimum wage policy.

I was in a retail store the other day. I noticed some of the skills have deteriorated to the point where the person at the cash register can't figure out the dollars themselves. I remember when cash registers in stores didn't tell you how much change you had to give the person. You had to figure it out, and kids and adults did that. But there are errors with that, so modern machines took up the disadvantage that was caused by that and we now have cash registers that figure the change for you.

But watch out if you ever change the way you give them the money after they figured it on the computer cash register.

Have you ever had a bill for $10.81 and you gave the clerk $11 and then you gave them a penny? That is no skills, if they can't figure out they owe you the 20 cents. No skills. That is what the retailers out there are training people on—basic, rudimentary things for having a job. We don't fix those by legislating.

If we are going to meaningfully address the issue of low-wage workers we have to acknowledge that you do not do that by simply passing a wage law. If that were the case, we could pass a law that made the minimum wage $20 or $50 or $100 an hour. It is just not that simple. In my own State of Wyoming, Governor Freudenthal, a Democrat, this year, in speaking about legislation to raise the minimum wage from the current $5.15, noted that the real question is how do you enable a worker to become more qualified and thereby able to earn a higher wage? He noted:

> How do you make the individual more valuable in the marketplace and demand a higher wage? It's not simply how do you pass a law.

As I mentioned, the Governor of Wyoming is a Democrat, one who understands the reality of this issue in the workplace and the job market. Low wages may be the effect; low job skills are the cause. Raising the minimum wage does absolutely nothing to enhance job skills for low-wage workers. In fact, to the extent it makes entry into the workforce more difficult, and increases low-skilled unemployment, as a minimum wage hike without economic relief for small business will unquestionably do, it will have precisely the opposite effect.

If we are able to approach this debate in a candid and constructive way, we need to acknowledge certain basic principles of economics. First of all, wages do not cause sales. Sales are needed to produce revenue. And wages don't cause revenue. Revenue drives wages.

Wages can cause productivity, but the productivity has to come first to be able to afford the wages. Wages have to be paid for.

Skills, however, operate differently than wages do. Skills do create sales. Sales do produce revenue. Skills do create productivity. And here is the most important part—skills get compensated with higher wages or else the employee goes somewhere else to get true higher wages to compensate for their increased skills. There is a relationship between skill and how much you make. Dropouts will not make as much as college graduates. Dropouts will not make as much as someone who has been to a technical school. Dropouts will have minimum skills.

Some people who finish school have minimum skills. I know my dad, once, when he was interviewing a person, said the person told him he had 5 years' experience. My dad, after questioning him, said: Unfortunately, he had 1 month of experience 60 times.

Wage increases without increased sales or higher productivity, which are a result of more skills, have to be paid for with higher prices. Higher prices wipe out wage increases. Better skills, not artificial wage increases, produce true net gains in income.

We also need to focus on the goal that the minimum wage should be for all workers and what it is for most, which is a starting point in an individual's lifelong working career if they are not skilled.

Let me say that again. We need to focus on the goal that minimum wage should be for workers who need a starting point in an individual's lifelong working career because they are not skilled. If viewed as a starting point, it is clear the focus needs to be far less on where an individual begins in his or her work career and far more on how an individual can progress—get jobs that have the potential for increase, get jobs that teach skills. They are available.

I always have to mention this. Right now in Wyoming, which is the least populated State in the Nation, we have a huge shortage of workers. There is a huge shortage of workers. Are these good jobs? Yes, they are good jobs.

They are in the coal mines. We ship a third of the Nation's coal out of my county. It is clean coal and it is open-pit mining. We use huge trucks. You could only fit two trucks in this whole room and that would be a pretty tight squeeze. The top of it would probably touch the top of the roof. They are big trucks. We are having trouble getting drivers for the trucks.

The only requirement for being a driver on one of these trucks is to be able to drive and have a clean drug record—be able to pass a drug test. When you drive one of these trucks, once you get up to elevation and get in the driver's chair, there are antivibration seats, power steering, air-conditioned cabs. That great big vehicle is easy to drive.

What do you get paid for driving it? The starting salary is about $60,000, and they train you, provided you have this clean drug record—$60,000 a year. We are having trouble getting people to come to Wyoming to work for $60,000 a year. So it isn't always minimum wage that drives these things. Skills are important, but you can even get the skills if you look for the jobs that pay well.

They may be nontraditional jobs. We have a lot of women who are driving coal haul trucks. They can do it very capably and probably with fewer accidents than the men.

The truth is, real wage growth happens every day. It is not the function of Government to mandate it. It is the direct result of an individual becoming more skilled and therefore more valuable to his or her employer. As a former small business owner, I know these entry-level jobs are a gateway to the workforce and an opportunity for workers to begin to acquire the skills and experience they need. These entry-level jobs can open the door for better jobs and better lives for low-skilled workers—if we give them the tools they need to succeed.

We have a great example in Cheyenne, WY. Workers entering the job market were given the tools and the opportunity to reach the American dream. We have a man there named Mr. Jack Preiss, and he is the owner of eight McDonald's in Wyoming. We often talk about McDonald's and minimum wage.

I want to tell you he has had three employees who started working at McDonald's at minimum wage who now own a total of 20 McDonald's restaurants. They own them. This type of wage progression and success should be the norm for workers across the country. However, there are a small percentage of workers who have not acquired the necessary work-based skills and for whom stagnation at the lower tier wage is a longer term proposition. The answer for these workers, however, is not to simply raise the lower wage rung. Rather, these individuals have to acquire the training, experience, and skills that will lead to meaningful and lasting wage growth. Our policies ought to be directed at that end.

We have to equip our workers with the skills they need to compete in a technology-driven global economy. It is estimated that 60 percent of tomorrow's jobs will require skills that only 20 percent of today's workers possess.

It is also estimated that graduating students will likely change careers 14 times in their lives. You didn't hear me say change jobs 14 times in their lives. That is easy. I said change careers 14 times in their lives.

Here is the important part of that statistic. The world is changing so fast that 10 of those jobs don't even exist today. They are going to have 14 career changes, 10 of which are for jobs that don't even exist today. We have to do a better job of educating and training our youth to be able to take the kind of jobs we are going to have.

We need a system in place that can support a lifetime of education, training, and retraining of our workers. The end result will be the attainment of skills that will provide meaningful wage growth. As legislators, our efforts are better focused on ensuring that the tools and opportunities for training and enhancing skills over a worker's lifetime are available and fully utilized—more available and fully utilized than we are in imposing an artificial wage increase that fails to address the real issues and in the process does more harm than good. Skills and experience, not an artificial wage hike, will lead to lasting wage security for American workers.

As chairman of the Health, Education, Labor and Pensions Committee, one of my priorities is reauthorizing and improving the Nation's job training system that was created by the Workforce Investment Act. This law would help provide American workers with the skills they will need, new skills to compete in a global economy. Those are ones that will lead to real, not artificial wage increases.

Last Congress—this is 3 years ago—I was denied the appointment of a conference committee to resolve the differences with the House on this important bill by some of the very people who are proposing this minimum wage increase. This Congress, this important bill has faced the same obstruction. In November of last year we reported this legislation out of the HELP Committee by unanimous voice vote. Yet it continues to languish, unavailable for debate on the floor of this Congress, with no progress being made and little hope for action in this Congress if such obstruction continues. This bill would train an estimated 900,000 people a year to higher skilled jobs—900,000 people a year could be on a better career path, could have more skills. That would be a real improvement for chronic low-wage workers.

It makes little sense to me that some of the same people who denied the opportunity in the last Congress to enact real improvement now think a redetermination of the lowest wage will magically change everyone's life. If we truly want to change and improve the lives of our lowest paid workers, we must pass the Workforce Investment Act.

Let's be clear about what a minimum wage hike will and will not do. First, we must realize that large increases in the minimum wage will hurt low-income, low-skilled individuals. Mandated hikes in the minimum wage do not cure poverty, and they clearly do not create jobs. The Congressional Budget Office has said:

> Most economists would agree that an increase in the minimum wage rate would cause firms to employ fewer low-wage workers or employ them for fewer hours.

That is a CBO estimate from October 18, 1999.

What every student who has ever taken an economics course knows is that if you increase the cost of something—in this case a minimum wage job—you decrease the demand for those jobs. Misleading political rhetoric cannot change the basic principle of supply and demand. The majority of economists continue to affirm the job-killing nature of the mandated wage increases. A recent poll concluded that 77 percent or nearly 17,000 economists believe that a minimum wage hike causes job loss.

It is kind of a spiral that we get into.

We simply cannot assume that a business that employs 50 minimum wage workers before the wage increase is enacted will still employ 50 minimum wage workers, whether the business is in Washington, Wyoming, or Massachusetts. Employers can't absorb an increase in their cost without a corresponding decrease in the number of jobs or benefits they can provide workers. We know there are losers when we raise the minimum wage. But who are the individuals who will benefit?

Minimum wage earners who support a family solely based on the wage are actually pretty few and far between. Fully 85 percent of the minimum wage earners live with their parents, have a working spouse, or are living alone without children.

Of the minimum wage earners, 41 percent live with a parent or relative, 23 percent are single or the sole breadwinner of the household with no children, and 21 percent live with another wage earner.

All are low-skilled workers or brandnew employees. In a shoe store you might have the lowest-skilled people unpacking the shoes. By the time they can check inventory and correctly put it on the shelf so they can find the size when the customers come in, they get a raise. If they can actually wait on a customer—that is kind of the goal in most businesses, to be able to wait on a customer—that is another level of wage increase. The better they do waiting on customers—which is the important part in the business—the more they get paid.

Research shows that the poor targeting and other unintended consequences of the minimum wage make

it a terribly ineffective approach to reducing poverty in America—the intended purpose of the policy. In fact, two Stanford University economists concluded that a minimum wage increase is paid for by higher prices that hurt poor families the most.

A 2001 study conducted by Stanford University economists found that only one in four of the poorest 20 percent of families would benefit from an increase in the minimum wage. The way to truly improve the wages and salaries of these American workers is through education and training—not an artificial wage increase.

With these realities in mind, I will offer an amendment, unless Senator KENNEDY wishes to withdraw his amendment. We can go on with the Defense debate. There must be serious discussion on that possibility. So I will allow that to go on and make a few more comments.

But I am considering offering an amendment that recognizes the true cost of the minimum wage increase on American workers and businesses, and particularly small businesses.

My amendment includes a minimum wage increase of $1.10, and it also addresses other needs for reform and the needs of small businesses that create the most jobs in this country. Therefore, my amendment is protective of economic growth and job creation.

Let me turn to a brief review of the provisions that would be contained in my amendment. In doing so, we must bear in mind that small businesses continue to be the engine that drives our economy and the greatest single source of job creation. Any wage increase imposed on small businesses poses difficulties for that business owner and, more importantly, for his or her employees.

My amendment recognizes this reality and provides a necessary measure of relief for these small business employers.

My amendment would make the following changes that are critical, particularly for small business. The first one is updating the small business exemption.

Having owned a small business in Wyoming, I can speak from personal experience about how difficult any minimum wage increase is for small businesses at the low end of the scale level and job growth.

Small businesses generate 70 percent of new jobs. Since the negative impact of a minimum wage increase will affect small businesses most directly, we have proposed addressing the small business threshold which is set under current law at $.5 million. If the original small business threshold enacted in the 1960s—that is when we came up with this arbitrary number, in the 1960s—if it were to be adjusted for inflation, it would amount to over $.5 million.

The small business threshold was last adjusted 15 years ago. In those ensuing years since the national minimum wage rate has been hiked, the economy has undergone a dramatic change, and the way work is done in this country has changed forever.

The pending amendment raises that threshold for small business determination to $1 million to reflect these changes.

My amendment also incorporates bipartisan technical corrections that were originally proposed in 1990 by then Small Business Committee Chairman Dale Bumpers, Democrat from Arkansas, and cosponsored over the years by Senator REID, now the Democratic leader, Senator HARKIN, Senator PRYOR, Senator MIKULSKI, Senator BAUCUS, Senator KOHL, and others. Those Senators can attest to the Department of Labor's disregard of the will of Congress and interpreted the existing small business threshold to have little or no meaning. The Labor Department would make a Federal case out of the most trivial paperwork infraction by the smallest small business because of what it interpreted as a loophole in the law.

Some would say that the 1989 bill to hike the minimum wage and the small business threshold was inartfully drafted and permitted this result. Others say the Department is misreading the clear language of the statute.

Regardless, the fact is that a threshold enacted by Congress is not providing the balance and fairness that was intended. This amendment corrects the problem by stating clearly that the wage and overtime provisions of the Fair Labor Standards Act apply to employees working for enterprises engaged in commerce or engaged in the production of goods for commerce. My amendment also applies those wage and hour worker safeguards to homework situations.

Second, ensuring procedural fairness for small business: This next provision is just common sense and good government legislation.

Surely, we can all agree that small business owners—the individuals who do the most to drive our economy forward—deserve a break the first time they make an honest paperwork mistake when no one is hurt and the mistake was corrected.

Let me say that again.

Surely, we can all agree that small business owners— the individuals who do the most to drive our economy forward—deserve a break the first time they make an honest paperwork mistake where no one is hurt and the mistake is corrected.

Small business owners told me over and over again how hard they try to comply with all the rules and regulations imposed on them, mostly by the Federal Government. As a former owner of small business myself, I know what they mean. Yes, for all that work, a government inspector can fine a small business owner for paperwork violations alone, even if the business has a completely spotless record and the employer immediately corrects the unintentional mistake. Even the best intentioned employer can get caught in the myriad of burdensome paperwork requirements imposed on them by the Federal Government. And I will even go so far as to say a lot of times the paperwork isn't clear, because I have filled out a lot of those documents.

To comply with the Paperwork Reduction Act, sometimes we use something for insurance that deals with health, and the questions can't be the same.

So there are a lot of possibilities unless you follow the manual very closely. And small businesses don't have time to do that because they are trying to make a living for themselves and their employees.

There are a lot of opportunities out there which the Federal Government gives them to make paperwork mistakes that really don't affect anybody. But if we have enough people working in the Federal bureaucracy to check and see if all the t's are crossed and all the i's are dotted, we can find some mistakes, particularly if that person only has to concentrate on one document. The small business owner has dozens that he has to comply with.

The owners of small businesses are not asking to be excused from any obligations or regulations, but they feel they deserve a break if they previously complied perfectly with the law. Small business men and women who are first-time violators of paperwork reduction deserve some protection.

The third part of the bill would provide regulatory relief for small businesses.

As any increase in the minimum wage places burdens on small employers, it is only fair to simultaneously address the ongoing problem of agencies not fully complying with the congressional directive contained in the Small Business Regulatory Enforcement Act.

That is a mouthful.

Under the law, agencies are required to publish small entity compliance guidelines for those rules that require a regulatory flexibility analysis. Unfortunately, agencies have either ignored this requirement or when they tried to comply have not done so fully or carefully.

My amendment does this by including specific provisions that the Government Accountability Office has suggested to improve the clarity of the requirement.

The fourth thing it would do is remove the barriers to flexible time arrangements.

My amendment includes legislation that could have a monumental impact on the lives of thousands of working men and women and families in America.

This legislation would give employees greater flexibility in meeting and balancing the demands of their work and family.

We came up with an idea like this, and it is real important to pay attention to it. We stole it from the Federal

Government. The Federal Government imposes this on agencies. The Federal Government says you are going to give the employees flexibility.

The first time I ever heard of this was in Wyoming. Some people in Wyoming are married to people that work for the government, probably not nearly as strange as out here. Out here, I think a lot of people who work in government are married to people who work in government. But out there, a lot of people who are working in government are married to people who aren't working in government.

We give this benefit to government employees—being able to have a little flex in their time. But we prohibit it in the private sector. We say you cannot do this even though we let the government folks do this. There, it would be a bad idea for your employees. We don't want you to have any flexibility. We know both the Federal employee and the private employee would like to watch their kids play soccer. The private employee better have his soccer schedule done so he doesn't need any flextime. But the government worker ought to be able to take it whenever they feel like it and trade it around.

We give the Federal Government the kind of flex I am talking about in this bill. Particularly in a family where the private employee is married to a government employee, they do not understand why they cannot have the same right as the government employee. They can bank a few hours and have a little longer weekend the next weekend, all in the same pay period. Their spouse can do it. They can have a little longer weekend. They can go use the boat over the longer weekend, but for the one that works for private industry it would be illegal. You cannot do that.

Just try and explain that to a family. That is how I first found out about this problem. I had a mother who wanted to be able to do the same thing as her husband. Her husband worked for the State government. He could do it. He could bank hours. But if it is a private sector, no, that would be stealing overtime from people. Why would it be stealing overtime in the private sector when it is not stealing overtime in the government sector? I don't understand that.

You will hear more, if we debate these things, and if we decide we are going to impose it on the Department of Defense and the Department of Energy authorization. If we decide we are going to impose that, comments will be on this flextime provision. Most of it will be on this because it is kind of a red herring that you can throw up and say, We do not trust business. Yes, we trust government but we don't trust business. You will hear that as the main part of this debate.

That is why I have spent a little time concentrating on it here.

This legislation would give employees in the private sector flexibility like in the government sector in meeting and balancing the demands of work and family.

Whatever we do, remember that part—only asking for private business what we give to government employees. Let me give some of the latest statistics: 70 percent of employees do not think there is a healthy balance between their work and their personal life; 70 percent of employees say family is their most important priority.

The family time provision in my amendment addresses these concerns head on. It gives employees the option of flexing their schedule over a 2-week period. In other words, employees would have 10 flexible hours they can work in 1 week in order to have 10 hours off in the next week.

Flexible work arrangements have been available in the Federal Government for over two decades. Have we had any arguments about them? No, they have been a great idea. They have been accepted and desired and used. But don't let the private sector have that. Because it works in one place doesn't mean it might work in another place. Let's continue to discriminate against private business. That is what we are saying when we do not allow the flextime.

This program has been so successful that in 1994 President Clinton issued an Executive order extending it to parts of the Federal Government that had not yet benefited from the program. President Clinton said:

> [The] broad use of flexible arrangements to enable Federal employees to better balance their work and family responsibilities can increase employee effectiveness and job satisfaction while decreasing turnover rates and absenteeism.

It would allow the Federal employees to better balance their work and family responsibilities—that sounds good to me—and it can increase employee effectiveness and job satisfaction while decreasing turnover rates and absenteeism. That sounds pretty good, too.

Let's see now. We tried it for over two decades and decided to extend it to all Federal Government, so it has to be a good idea. Would we pass on a bad idea to the Federal Government? Would they stand for it if we did? No. So why can't we give it to the private sector? Why do we say: Private sector, you are just not as good as Government employees. You do not deserve the same breaks we give Government employees.

As I mentioned, this will be the bulk of the debate on this particular issue, the flextime part. It could have been a lot more inclusive. Actually, the Federal Government gets to do more than what I have stated, but we are definitely not going to allow that. We are putting this down to a very small minimum to see if we can get any movement on it at all.

As I said, we have voted on this before, and the answer is, Heck, no, we will not give the private sector that kind of a privilege. We don't care what the Federal Government gets to do, you can't treat the private sector decently. No, they didn't say that, I said that.

I could not agree more with what President Clinton said when he did his Executive order. I am saying now we need to extend this same privilege to the private sector workers. It would allow employees to better balance their work and family responsibilities, it can increase employee effectiveness and job satisfaction, while decreasing turnover rates and absenteeism. That was President Clinton talking about this kind of provision for the public sector. I am saying, if it is that great, we ought to do it for the private sector, too.

We know this legislation is not a total solution. We know there are many other provisions under the 65-year-old Fair Labor Standards Act that need our attention, but the flexible time provision is an important part of the solution. It gives employees a choice, the same choice Federal workers have.

The fifth part of this would extend the restaurant employee tip credit. A major employer of entry-level workers is the fast food service industry. Another part of it is the regular food service industry. The regular food service industry relies on what is known as the tip credit, which allows an employer to apply a portion of an employee's tip income against the employer's obligation to pay the minimum wage.

Currently, Federal law requires a cash wage of at least $2.13 an hour for tipped employees and allows an employer to take a tip credit of up to $3.02 of the current minimum wage. To protect tipped employees, current law provides that a tip credit cannot reduce an employee's wages below the required minimum wage. Employees report tips to their employers, ensuring an adequate amount of tips are earned.

Seven states—Alaska, California, Minnesota, Montana, Nevada, Oregon, and Washington—do not allow a tip credit; however, requiring raises for all hourly employees when States increase the minimum wage. The lack of a tip credit requires these employers to give raises to their most highly compensated employees, the tipped staff. If you are working in a nice restaurant, the tips will be more than the salary. Nontipped employees in these businesses are negatively impacted by the mandated flow of scarce labor dollars to the tipped position. In addition, employers are put at a competitive disadvantage with the colleagues in the rest of the country who can allocate employee compensation in a more equitable manner.

My amendment expands the tip credit to nontip credit States, consistent with the initial establishment of the credit under the Fair Labor Standards Act, anticipating the increase in minimum wage.

The sixth provision is small business tax relief. If we are going to impose greater burdens on small business, we should give them some tax relief at the same time. My amendment extends small business expensing by 1 year.

Simplify cash accounting methods. I am the only accountant in the Senate, so I probably ought to explain what cash accounting is. That could be a huge debate all by itself. It means that the business can actually use the dollars coming in as part of the accounting as opposed to anticipated dollars that would be coming in. It works off the actual cash flow rather than some of the accrual methods that we use. I will not go into that. Accounting is important, but it often puts people to sleep. It would simplify cash accounting methods and provide restaurant depreciation relief.

All of these tax provisions are fully offset in the bill. That means they are paid for. That means there is some way of covering the cost of them so that it isn't the general budget.

In total, the additional provisions in my amendment are intended to mitigate the small business impact of a $1.10 increase in the minimum wage so people can keep their jobs. I share the view of many of my colleagues that if we are going to impose such a mandate on the Federal level, we must do our best to soften the blow. This may be the best we can do today, but I entreat all of my colleagues to look at the true root of the problem for minimum wage workers. That is the acquisition of job-based skills: more skills, more money.

We all share the same goals, which is to help American workers find and keep good-paying jobs and to keep the best paying jobs in this country. Real job skills, not artificial wage levels, should be our focus. Education, training, and job experience are the solution for low-wage workers. We have to pass the Workforce Investment Act that will train those 900,000 people a year to higher skill jobs.

In terms of education and training, we need to move forward on that kind of meaningful legislation that will lead to increased wages and better jobs that we all want for our Nation's workers.

In terms of job experience, we must always remember that businesses, particularly small businesses, create the jobs and provide the gateway to the working world for the vast majority of low-wage workers.

If we do not balance a minimum wage increase with economic relief for the small businesses, we will stifle job creation and shut the employment door on the very individuals we are trying to help.

I urge my colleagues to oppose the amendment offered by Senator KENNEDY and, if we continue to have the debate and I submit my amendment, to support my amendment. Both raise the minimum wage. One covers the cost of the minimum wage so that it would not drive down the number of people employed in this country.

We have been trying to increase employment. We want those people starting with minimum skills to work their way up the ladder to owning the business. That can happen in America. That can happen if we give them an incentive to learn to improve their skills and we don't impose false security of mandated higher wages that drive a spiral upward and eliminate jobs. Elimination of jobs is not the answer. Training people to higher skills so they can demand more money or go to work somewhere else is the answer.

If we are going to have this debate on the Department of Defense bill, I would be happy to submit my amendment to have it voted on, along with Senator KENNEDY's amendment. We have done that before. We know what the results will be, I suspect. Both of them will be subject to a point of order. We usually agree not to go for the point of order but just order the vote and have the 60-vote threshold we have always had. We would be willing to do that, but a more appropriate time to debate this would be another time on another bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the issue we are talking about, my good friend and the chairman of the Committee on Human Resources is talking about, and that I have talked about earlier, is whether we were going to have an opportunity in the Senate to take a few minutes to consider an increase in the minimum wage for the lowest paid workers in America. I had offered that as an amendment on the Defense authorization bill.

One might ask: Why are we doing this on the Defense authorization bill? The answer to that is we would not have another opportunity to do it on any other bill until the recessing of the Senate.

In my opening remarks when I offered that amendment, I indicated to the chairman of the Committee on Armed Services that we would be glad to work out a time for consideration that would not interfere with the general debate and discussion of the issues on the Defense authorization bill, but we have been unable to get that at this particular time. Therefore, we are talking about this issue at this time.

The Senator from Wyoming asked why is this relevant to the Defense authorization. I think the answer is rather compelling. That is, when we think of why the service men and women are fighting in Iraq and Afghanistan, and around the world, they are fighting for American values, American principles. Part of American values and principles is economic fairness, not the exploitation of poor workers in the United States of America. That is why it is relevant.

We are talking about the ideals and the values of the United States of America. We are talking about family values. We are talking about what people at the lowest rung of the economic ladder are going to get paid.

I bet some of these individuals who will be affected by the minimum wage are over in Iraq now fighting. They are wondering, why in the world are we taking up time when we have not increased the minimum wage in the last 9 years and we have taken the time to see six pay increases for the Senate? They are saying: Why aren't you providing that increase for the minimum wage for these workers? That is what we are talking about.

Can anyone imagine that? We are going to get another pay COLA increase next week. We have increased our own salaries $30,000 over the period of the last 9 years. And how much have we given to an increase in the minimum wage? Zero.

We have, I daresay, men and women who are serving in Iraq whose parents are probably earning the minimum wage. We are talking about getting an increase to $7.25 an hour.

This issue never used to be a partisan issue. I regret it has turned out to be a partisan issue. We have been unable to get our Republican friends to give us an opportunity to vote on an increase in the minimum wage. We are caught in this situation because we cannot get an up-or-down vote on the increase in the minimum wage.

Since the time of the initiation of the minimum wage, going back to Franklin Roosevelt, Harry Truman, Dwight Eisenhower, Republican, all had an increase in the minimum wage. Richard Nixon, an increase in the minimum wage. George Bush, an increase in the minimum wage. But we do not have anything after Bill Clinton and the increase in the minimum wage. Nine years is the longest period in history for no increase of the minimum wage. If the Senator would let us have an up-or-down vote, we will take a very short time period. We are interested in taking a short time. We only received the Republican alternative about an hour and a half ago. We still don't know what the scoring is on it. The initial statement we have heard is that it is pretty much the same as it was a year ago, and that basically cuts overtime pay. It also undermines the States' opportunities to deal with problems on the tip credit. It also eliminates worker protections under the Fair Labor Standards Act. That is a fine option that is going to be out. That is what we have gotten in the last hour or so.

If I had the attention of my friend from Wyoming, the managers of the bill are here, I would ask unanimous consent that upon completion of the Defense bill, the Senate turn to the minimum wage bill, the text of which is my amendment, that the Enzi amendment be in order, that there be 4 hours of debate equally divided, and then we would go to a vote.

Mr. WARNER. Mr. President, I would have to object.

Mr. KENNEDY. I have heard the objection. We have had complaints about my offering the minimum wage amendment on this legislation. Then what do we do? We say: OK, let's let this go through. But just give us an opportunity to consider an increase in the minimum wage on the floor of the Senate with a very short time limitation.

And we can't get agreement on that. There you go. That is what this is all about.

I must say the idea that this isn't appropriate, if we could have gotten an option to go ahead and have the individual bill for an increase in the minimum wage, have an opportunity to vote on both the Senator's amendment and our amendment, let's have that and let's go back to the good old days where a majority would carry. That is fine with me. That would be fine with me. I will just take a half an hour on our side. Surely, the Senate can find time to give a half an hour to the issue of increasing the minimum wage for workers. One half hour, let's see where the Senate goes, whoever gets more than 50 votes. That used to be the way around here. But not now. We hear complaining about bringing up the minimum wage on this bill, and they still are going to have to get 60 votes on it because there will be a point of order raised against this on the budget.

We have heard a great deal before, at the time when my good friend was talking about his health care bill about wanting to have a debate on his health care bill. Remember that? It wasn't all that long ago. Let's have a good up-or-down debate. Let's have a vote. What is it, denying the opportunity for people to have this debate?

Well, we would be more than glad to have this legislation. You can have on your side a half an hour. We will take a half an hour. Let the chips fall where they may. If the leader wants to come out and make that, we have offered similar to that. There has been objection to it, but it is a reflection of our good faith.

From an early reading of the amendment of the Senator from Wyoming, they would raise the minimum wage by $1.10. Would the Senator tell me what the cost of the Enzi amendment is? What is the cost? Do we have a budget point of order?

Could I address the Senator from Wyoming? If he could tell me what the budget cost of his amendment would be? While he is doing so, I will mention a couple of other points.

His amendment would raise the minimum wage by $1.10 instead of by $2.10, which our bill does. It cuts overtime, and it also reduces benefits so only 1.8 million workers would be covered. That is 4.8 million fewer than my amendment. Theirs is $1.10 an hour instead of $2.10, and there are 4.8 million fewer than my amendment. Then it also cuts overtime pay. It ends Federal labor standards coverage for over 10 million workers. By raising the gross income of the companies that will be covered, they will eliminate 10 million workers. They will be eliminated from any kind of minimum wage or fair labor standards protections.

Then it basically overturns State actions that are dealing with what they call the wage tip credit which States vary about how they do it. But the Enzi amendment puts a cap on that. The States now, for example, can have a higher minimum wage than we have. We haven't preempted the States because it has always been a flooring. Some States believe that those who depend on tips ought to be given a somewhat additional break. We are talking about people who make $5.15 an hour, maybe make $6 or $7 in tips, and you are trying to nickel-and-dime them on that with the Enzi amendment, preempt the States.

I hope my colleagues have a chance to read through this overnight because we are preempting the States that have reached a different conclusion with regard to tip credit. The Enzi amendment says that is going to be out.

That is quite a mouthful. People understand those issues pretty well. They are very important. I don't know whether we have an answer. I will be glad to hear it later on. Could the Senator give me what the budget cost for his amendment would be?

Mr. ENZI. I would like to be able to do that. I don't have the numbers that I need to have. I appreciate the question, but I can't give you an answer yet.

Mr. KENNEDY. Well, I imagine we will get them later in the afternoon or get them on tomorrow. Could the Senator indicate when we might anticipate those? The reason this is important is because we are talking about 50 pages of tax issues in the Enzi amendment. Therefore, there is a cost to it. It does seem to me that prior to the time that we have a vote, we ought to know what those particular costs are. We have on the one hand the issues that are directly related to the minimum wage, and then we have the costs in terms of an addition to the deficit.

I don't know whether the Senator could tell us that we are going to get it later this evening. If you can give us the assurance, if you think we will have it this evening, that is fine; otherwise, whatever help the Senator could provide, I would be grateful.

Mr. ENZI. In answer to the question, Mr. President, I can't tell how long it will take for the Joint Tax Committee to have the new numbers. But I can tell you, I didn't know that the Senator was going to offer his amendment until yesterday. The estimated revenue effects that we have are from the one that we did and voted on last year which shows over a 10-year period that all costs are covered with a slight surplus.

Mr. KENNEDY. I am not sure that I completely understood the Senator's response in terms of the cost. What is the cost of the first, second, third, fourth, or fifth year? We will try and get that, if we could.

I point out to my colleagues, the amendment I offer is 2½ pages. The Enzi amendment is 71½ pages, 50 of which are tax provisions. It does seem to me if we were debating, look, ours is $2.10, yours is $1.10, let's go at it. Let the Senate make a judgment. But it isn't that. We have 50 pages in here of tax provisions that are going to evidently be called incentives on the one hand but to others they are going to increase the deficit on the other hand. I am not exactly sure what those are. Then we are not only being questioned about that, but we also know that we have in that proposal a cut of overtime pay and the ending of Federal Labor Standards Act coverage for 10 million workers and basically a preemption of States that want to treat the tip credit in the way that they want, which is quite a proposal. I would hope that we would have a chance, which I expect we will, to at least examine it over the evening.

This chart says the $1.10 increase leaves 4.8 million workers behind, the difference between the Enzi proposal and the way ours is drafted.

I wanted to address a couple of the issues the Senator has pointed out with regard to small business. This chart shows results of a Gallup Poll of May 2006: 86 percent of small business owners say the minimum wage does not affect their business. The question was: How does the minimum wage affect your business? Eighty-six percent said no effect; 8 percent, negative effect; positive effect, 5 percent; no opinion, the rest.

So it is kind of interesting, we have sort of gone beyond this point in terms of where the small business community is. They have a pretty good understanding of what happens. What we have found out with the increase, for example, on the living wage, you take the most dramatic example is the neighboring city of Baltimore. When they increased it to a living wage, what happened? First of all, they had less turnover. It was less costly on the city in terms of training new workers.

Secondly, they increased their productivity. They got less individuals who stayed home on sick leave because people began to take a greater pride in their work. Why? Because they were being treated with greater respect. And finally, the overall cost of the program, even though they increased it to about $11.50—I am not sure, I think it is even above that; they were one of the first with a living wage—they found out that the workers were working harder, took greater pride in their work, and there was greater productivity, a greater increase in morale, and their overall costs have actually gone down.

States with higher minimum wages create more small businesses. I was listening to the Senator talk about the burden on small businesses. I just showed a recent Gallup Poll of small businesses which was in May of this year. Here are the 10 States plus DC with minimum wages higher than $5.15, and overall growth of small business is 5.4 percent. Forty States have a minimum wage of $5.15, and there is 4.2 percent growth. The States with the higher increase in the minimum wage saw an increase in the total numbers.

Study after study finds raising the minimum wage does not cause job loss.

This is by David Card and Alan Krueger, from Princeton's reanalysis of the effect of the New Jersey minimum wage increase on the fast food industry and representative payroll data, 1998. The increase in the minimum wage probably had no effect on total employment and possibly had a small positive effect. Four different tests of the two increases on employment impact fail to find any systematic, significant job loss associated with the 1996–1997 increases, Economic Policy Institute. Detailed studies of California's last two decades, the State-increased minimum wage legislation, consistently no employment for workers.

This chart shows the increases in 1996. It is too bad we have to go back so far, but we haven't had an increase in the minimum wage. Here is the increase in the minimum wage to $4.75. I think it was $3.45 prior to that time. We went to $4.75. This is total job growth after we had the increase in the minimum wage. Then we increased to it $5.15. This is a chart that shows the total job growth in the United States during that period. This idea about the impact on jobs is interesting, but it has been refuted time and time again.

This chart shows that the last minimum wage increase did not increase unemployment. These are the figures on unemployment.

The last increase to $5.15 actually shows the unemployment going down over the period of the years, from 1997 until 2000. It doesn't have the most recent figures. But it is a pretty good indication of what was happening during that time. So we find that the States which have a higher increase in the minimum wage are expanding in small business. Eighty-six percent of small business, according to the Gallup poll, said it doesn't have any effect, in terms of employment. The national review about what has happened the last two times we raised the minimum wage was that it had virtually no impact in terms of the employment issue.

Finally, inflation. That issue is always another canard that is pointed out. They say if you raise the minimum wage, we are going to cause inflation. Look at what we are doing, Mr. President. Increasing the minimum wage to $7.25 is vital to these workers, but it is a drop in the bucket to the national payroll. All Americans combined earned $5.4 trillion a year. A minimum wage increase to $7.25 would be less than one-fifth of 1 percent of the national payroll. There it is. No inflation, no adverse impact on unemployment. Small business feels that it doesn't impact or affect them. The studies show that small businesses have grown in States where they have had an increase in the minimum wage.

These are the economic arguments, but most of all, as we have said day in and day out, this is a fairness issue. These are men and women who work hard and play by the rules and take a sense of pride in their work. They work as teachers aides, in nursing homes, cleaning up the great buildings of American commerce, and they work hard and try to do a decent job. More often than not they have two and sometimes three other jobs. Primarily, they are women. As I have pointed out, it is a women's issue. Primarily, those women have children. It is a children and a women's issue. It is a family issue. It is a family value issue and a civil rights issue because so many of the workers are men and women of color. And fairness, fairness. You don't have an economic argument against increasing it to $7.25, and you don't have an argument that is relevant to decency and fairness in opposing this kind of increase.

Americans understand fairness, they understand decency, and they understand the importance of hard-working Americans who are playing by the rules. A job in America should get you out of poverty, not keep you in it. And the alternative to our increase in the minimum wage will keep you in poverty. We can do better as a country, and we will.

I see my friend from New Jersey who desires to address the Senate on the minimum wage. I hope he will have an opportunity to do that for as long as he likes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I am proud to join Senator KENNEDY in his call to increase the minimum wage to $7.25 and to cosponsor this amendment. In my mind, this amendment is not just about wages, it is not just about fairness; it is about dignity. Certainly, there could not be any finer advocate for our Nation's workers than my colleague from Massachusetts, who has pushed relentlessly to get this body to act and provide that opportunity for dignity and to provide a long, overdue increase in the Federal minimum wage.

Yet despite his efforts, despite coming to this floor time and time again to call for a simple yet critical wage increase, this body has not heeded his calls. Despite the fact that some 7 million American workers are struggling to keep their heads above water, this body has chosen inaction.

That is a disgrace.

I think it is shameful that Members of this body have walked away time and again when given the chance to provide hard-working Americans with what is at the core of the work ethic we hold as a Nation—fair pay for a hard day's work.

We are not talking about a giveaway or a free ride; we are simply talking about a fair and decent wage that ensures those working their hardest make enough to get by. To be honest, workers making the Federal minimum wage today don't make enough to get by. The average worker earning the minimum wage and working 40 hours a week, 52 weeks a year, to support a family of three will only earn $10,700 on the current minimum wage. That is $6,000 below the Federal poverty line for a family of three.

No family can afford to live on those wages, especially not a family in a high-cost State such as New Jersey. In New Jersey, which has the highest median income in the Nation and one of the highest average rent costs in the country, $5.15 an hour is simply not enough to get by. People in New Jersey know that. Leaders in New Jersey know that, and that is why our State acted to increase the minimum wage to $6.15 last October. Raising the minimum wage to $7.25, as this bill would do, would benefit an estimated nearly 200,000 New Jerseyans.

I am proud that New Jersey has been a leader for increasing the minimum wage. I heard Senator KENNEDY's reference to some studies about it. In fact, we are lifting people up in the process. New Jersey's move to be a leader, rather than wait for the Federal Government to lead the way, is providing a better standard of living for New Jerseyans.

We need leadership now in Washington. While Congress refuses to act, millions of workers across the country are being left behind. Nine years is far too long for those workers to wait. Nine years is too long for those who work around the clock, hoping to save a little extra for groceries, so they can buy school supplies or clothes for their children or for those who are saving so one day they can live in a place that they are proud to call home.

Mr. President, that is what this amendment is about. It is about more than just wages. It is about providing a decent and fair standard of living for those who share in the dream of America, as every other worker in this country. It is for those who work their hearts out every day so that they may provide a better life for their families. It is so that children in this country never have to know what it feels like never to have enough.

Increasing the minimum wage would give more than 7 million children of minimum wage earners a chance for a better life.

As the son of poor immigrants, hard-working parents who worked day in and day out as a carpenter and a seamstress in a factory, I knew what it was not to have enough. My parents didn't have time to fight for better wages. They were working hard to achieve the American dream. Similar to so many before them, my parents saw hard work as a path to a better life for themselves and their children. That continues to be the story for so many hard-working Americans.

But unless wages rise to keep up with the rising costs, to meet the realities facing working families, that dream will be out of reach for millions of minimum wage earners, who earn a wage that is worth less than it was nearly 30 years ago.

Now, I ask how the Members of Congress, who get a cost-of-living adjustment, can at the same time say to those people in this country working at the minimum wage—even after you

work 40 hours a week, 52 weeks a year, which puts you at the poverty level—Members of Congress get an increase in the cost of living, but they cannot vote after 9 years to give those hard-working minimum wage workers the first increase in 9 years.

Every day that we stand idle, the minimum wage continues to lose value, our Nation's workers fall further and further behind. We have to give working families the chance to work their way out of poverty. We want Americans to be self-sufficient. Yet when we have individuals who get up every day and do some of the hardest work that our country has to offer—and it is honest work and decent work, but it is hard work—every day they get up and go to work—and they cannot afford to be ill because most of them don't get health care. If they don't go to work that day, they don't have the resources to take home for their families. Can we not say as a Nation that we want to honor their work, that we want to reward their work, so that work becomes the vehicle by which there is self-sufficiency? That is what we say when we are unwilling to increase the minimum wage.

The increase we are proposing would put more than $4,000 in the pockets of these hard-working Americans. This is enough to help a low-income family afford 2 years of child care, a year and a half in utility bills or a year of tuition at a public college.

This may be a simple increase for some, but an extra $2.10 an hour will mean a lot more for the 15 million workers who have been waiting and waiting and waiting for 9 years for a better wage, a better standard of living, for hope and opportunity, and for a message that their work is rewarded.

Mr. President, these workers have waited long enough. They are waiting for leadership. They are waiting for a Congress that accepts cost-of-living adjustments to ultimately recognize that they, too, need an adjustment in their salary. Let's get our priorities straight and stand up for our Nation's families. Let's show true leadership and provide these workers across the country what they deserve. Let them work their way out of poverty. Let's pass this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I want to talk about the amendment of the Senator from Massachusetts. I want to specifically commend the Senator for his passion and enthusiasm. But it reminds me of a line in an old country song: ''You only hurt the ones you love.''

The graphs that we were shown were macro graphs about all economies and all unemployment in the country. The people on minimum wage, which this is designed to help, are those at the lowest end of the skill level and the beginning level of employment.

When the distinguished Senator from New Jersey referred to the 15 million Americans who were on the minimum wage 15 years ago as if they were still on it today, it was deceiving and misleading. Those are not the same 15 million people. They are 15 million new people who are getting a foothold in the joy that is America by beginning on the ladder of employment.

Former Federal Reserve Chairman Alan Greenspan has repeatedly cautioned the Congress on this very subject and against raising the minimum wage for that reason. The Chairman pointed out that such a move ''increases unemployment and, indeed, prevents people who are at the early stages of their careers from getting a foothold in the ladder of promotions.''

The Federal Government can dictate what anybody pays anybody, but we cannot dictate who is hired. If we raise the component cost of employment—as the bill of the Senator from Massachusetts would—29 percent, it stands to reason that you put at risk 29 percent of those who are employed at the lowest level. What happens is that people seek a more efficient worker at the detriment of the least skilled and the least qualified.

One year after the first minimum wage was established, Franklin Roosevelt's own Department of Labor made the following observation:

> In a number of instances, there have been reports that workers who had been receiving less than [the new minimum wage] had been laid off, and replaced by more efficient workers.

The marketplace will drive employment, and when we in Government infuse ourselves into an issue and make an arbitrary adjustment, then the marketplace will make the adjustment for the business community and the more efficient worker will be employed.

When the distinguished Senator from Massachusetts referred to the tremendous job growth and creation between the next-to-the-last increase in the minimum wage and the last increase in the minimum wage, again it was a macro graph. The fact is that while employment skyrocketed during the dot-com era, those were high-technology, high-end jobs. The reality was that, as a result of the Congressionally-mandated increase in the minimum wage, technology replaced a lot of those minimum wage, low-skilled jobs, and actually unemployment increased at the lowest end. It is only right to compare apples to apples and oranges to oranges.

It is interesting that researchers at the University of Wisconsin did a study not too long ago to determine what the minimum wage did to welfare mothers, that I give you, Mr. President, as an example. The study revealed that welfare mothers in States that raised their respective minimum wages remained on public assistance 44 percent longer than those in States where the minimum wage was not raised, making the point I made earlier; that is, getting a foothold on the ladder of success in America means getting in the employment chain. And the more we put pressure on how much it costs to bring someone into that chain, the more it punishes or penalizes someone who is not in it.

There is another deception which goes on in this argument, and that is that everybody who is on the low end of the chain and a minimum wage earner is at the bottom of the scale in life.

President Clinton's first Labor Secretary, Robert Reich, once observed ''most minimum wage workers aren't poor.'' He is right. Today, according to data from the U.S. Census Bureau, the average family income of a minimum wage worker is above $43,000 a year—well above the national average. There are reasons for that.

Accordingly, minimum wage increases are inefficiently targeted to help poor workers since fully 85 percent of minimum wage earners live with their parents, have a working spouse, or are living alone without children. In fact, when Congress last raised the minimum wage in 1997, only 17 percent of the benefits of that increase went to families living below the poverty level. For comparison, over 33 percent of the benefits went to the richest two-fifths of all families, which is another secret to raising the minimum wage.

It is not just at the lowest end of employment or the beginning level, but there are contracts in America that are indexed to the minimum wage. If the United States of America and this Congress force an increase in the minimum wage, then it very well could trigger, in a labor contract, in a labor organization with a company, an automatic increase in the pay scale for people far and above the minimum wage. Once again, it has an arbitrary effect on the marketplace that the marketplace will adjust, and when it adjusts, someone will lose a job or find it harder to get a job.

The University of Georgia in my home State recently did a study. The economist who did that study was Joseph J. Sabia, a Ph.D. graduate in economics from none less than Cornell University. He used Government data from January of 1979 until December of 2004. This is a 25-year longitudinal study, and in sum, Dr. Sabia found that a 10-percent increase in the minimum wages causes a nine-tenths of 1 percent to a 1.1 percent decrease in retail employment, and an eight-tenths of 1 percent to a 1.2 percent decrease in small business employment. Dr. Sabia's research confirmed yet again that low-skilled workers is the group that is most likely to be most negatively impacted by the minimum wage hike.

The study also reiterated minimum wage hikes are not an effective means of reducing poverty among working poor because most minimum wage workers are second or third earners in a family—teens or dependents—and most workers in poor households earn more than the minimum wage.

But the best study I refer to most often is the study I conducted during 33

years in the private sector employing hundreds of individuals in a real estate company. I knew what competitive marketplace factors were, and I knew how, when we brought people in—and I had some jobs in my company that were at the lower end, minimum wage to start. They may have been in maintenance, may have been in building upkeep, may have been operators on the night desk. But I always found myself being pressured by the market, not the Government, to raise the wage of the good worker because the good workers, as they improved and gained their self-confidence, shopped around.

In most of the years I worked, we were in the type of economy we are today. We were in full employment where you are competing for the best and the brightest. Those who are motivated, those who enter the system, those who are at minimum wage to start with will quickly rise as they gain skills, confidence, and self-esteem.

If we think an arbitrary, mandatory 29-percent increase in somebody's wages is going to solve poverty, improve their self-esteem or, in fact, solve the problem the Senator from Massachusetts intends it to solve, we are wrong. Instead, it is probably going to deny about 29 percent of those starting at that level an opportunity early on. It probably, as President Roosevelt's Administration found in 1939, is going to cause some people to actually lose their jobs. And worst of all, it is a feel-good amendment whose intention ends up having the absolute opposite result.

I care deeply for everybody in my State, everybody in this country, and for everybody entering the workplace. I believe the minimum wage is appropriate, but I believe to take a time of full employment, a time of a vibrant economy, a time when study after study indicates the exact opposite of what the distinguished Senator said, would be sending the absolute worst signal.

I believe in the empowerment of our workers, not in the slavery of our workers. I don't believe Government should arbitrarily try to fix something that, in fact, the marketplace fixes day in and day out 365 days a year.

I urge my colleagues in the Senate to not try to fix something that is not broken. I will oppose the Kennedy amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, our friend and colleague, the Senator from Connecticut, Mr. DODD, is looking forward to addressing the Senate in just a minute or two.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I wish to review for the Senate what has been happening to many families in this country over recent years regarding the important growth of poverty and its relationship to the minimum wage. It has a very direct relationship. The figures are rather startling. It is appropriate, when we are talking about an increase in the minimum wage, that we have some fuller understanding about the growth of poverty in our Nation over recent years.

Mr. President, 5.4 million more Americans are in poverty. We had 31.6 million in 2000, and now there are 37 million. There is a 5.4-million greater number of Americans living in poverty in the United States. Of those 5.4 million, 2.5 million are children.

It is interesting, when we talk about an increase in the minimum wage, if we look at the countries of Western Europe—take Great Britain, for example, which has the second most powerful economy in Western Europe. In October, they will increase the minimum wage, and it will go to $9.80 an hour. Listen to Gordon Brown, the Chancellor of the Exchequer, and the pride that he takes as a public servant, Chancellor of the Exchequer—effectively our Secretary of Treasury and the head of OMB combined—in having lifted 2 million children out of poverty over the last 6 years. We have put 2.5 million children into poverty in the last 5 years.

There are 5 million more Americans who are on the verge of hunger. These figures are from Food Security in the United States, USDA. These are not figures from those of us who are supporting an increase in the minimum wage. These are the figures. We have 5 million more Americans who are feeling the pangs of hunger, and the great percentage of those are children, again.

What is consistent in the last 5 years? No increase in the minimum wage, the growth of the number of people in poverty, the growth of the problems of hunger. We have Americans struggling to survive in this current economy, the Bush economy. Too many Americans are living in poverty: 1 in every 10 families; nearly 1 out of every 5 children in this country; 1 out of every 5 Hispanic Americans, and 1 out of every 4 African Americans.

This is interesting. It shows the extraordinary growth of poverty, particularly child poverty, in the failure to increase the minimum wage. So one says: What does that really have to do with the minimum wage no longer lifting a family out of poverty?

In 1965, 1970, 1975, for a period of some 20 years, we had a minimum wage that was above or at the poverty level. Republicans and Democrats did this for 20 years, and now we are seeing an absolute collapse. There was a little blip with the increase in the minimum wage, and now we are down to an all-time low, some $5,888 or less. We know that in the last 9 years, the increase to $5.15 is buying about 15 to 20 percent less. It is not only $5.15 an hour, the purchasing of that $5.15 per hour is less.

The United States has the highest child poverty rate of the industrialized world. Here it is. Of all the industrial nations of the world, we have the highest poverty rate. That obviously has something to do with what their parents are being paid. Not completely; there are other programs in these countries that are directed toward children.

The Presiding Officer, a former Secretary of Education, is familiar with what a number of these countries do in terms of trying to assist and providing special allowances for children in a number of ways. Nonetheless, what comes out of it is the fact that we have the highest child poverty rate of any industrial nation in the world. The fact that we have not had an increase in the minimum wage is directly related to that.

Again, if you look over at this chart here, the States with the highest child poverty have the lowest minimum wages, with the exception of Pennsylvania, and that is a State with 20 percent greater child poverty than the national average but has a higher minimum wage. But the rest are basically States with lower minimum wages, a direct tie-in with the minimum wage and poverty and child poverty.

We have a chance to do something about child poverty and about poverty in this country, and we can do it in a way that is not going to endanger inflation or provide increasing unemployment or threaten the small business community.

As we have gone through this, we have seen those arguments which have been raised and which were raised again this afternoon by my good friends from Wyoming and Georgia. They are arguments I have listened to for the last number of years I have been in the Senate. The fact is that when we have had an increase in the minimum wage, no one has ever said: Let's go back, let's go back, although we are going to be faced with an alternative tomorrow to my increase in the minimum wage that will take us back, will eliminate the coverage, eliminate overtime for a number of workers, and that is unfortunate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, earlier today we went through a good deal of the history of the minimum wage, and we also went into the growth of poverty, particularly for children and

for those who receive the minimum wage. I wish to read a couple of real-life stories because I think it is always useful to understand that besides the graphs we have been able to show and the statistics we have been able to show on these charts, we also show in real terms what is happening to a lot of our fellow citizens, our fellow Americans.

This is a story from the Sacramento Bee, and I ask unanimous consent that it be printed in the RECORD in its entirety. This is June 18, 2006, last Sunday:

Monique Garcia earned minimum wage for most of a decade before becoming homeless. She washed dishes, swept floors, collected parking tickets, worked cash registers, staffed drive-through windows, and flipped burgers. Despite that, two months ago, the 26-year-old single mom found herself with too little money for rent and no place to go.

She moved with her 7-year-old daughter and 5-year-old son into St. John's, a family shelter tucked into an industrial corner of Sacramento. They share a room with another minimum-wage worker and her two young children. Garcia and her roommate trade off, one watching the kids while the other works.

It's hard, you've got a family to support and minimum wage isn't it, Garcia said last week.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Sacramento Bee, June 18, 2006]

LIFE ON $6.75 AN HOUR: WHEN ENDS DON'T MEET

(By Jocelyn Wiener)

Monique Garcia, a single mother living on minimum wage, ended up homeless.

As the gulf between what they earn and what they owe continues to grow, many of the region's minimum-wage workers have turned to food banks for sustenance. Some, like Garcia, have moved into homeless shelters or cars for housing.

These workers welcome Gov. Arnold Schwarzenegger's proposal to hike the minimum wage by a dollar, to $7.75 an hour. They cheer a separate plan proposed by state legislators—and supported by many labor groups—that would ensure the minimum wage increases each year to keep pace with inflation. About 1.4 million of the state's lowest-paid workers would be affected.

California's minimum wage is lower than that of more than half a dozen states, but is higher than the federal minimum of $5.15 an hour. Washington state has the highest minimum at $7.63 an hour, and it is indexed to inflation.

California's Industrial Welfare Commission is scheduled to consider the proposals early next month. Many business groups oppose a minimum wage increase because it could force increases for higher-paid employees, as well, and might cause some small businesses to close.

According to a report published earlier this year by the California Budget Project, a nonprofit group that conducts economic and policy analysis to benefit the poor, the purchasing power of the minimum wage has dropped $0.88 since 2002, a decline of 11.5 percent.

Advocates for the working poor say earnings have slipped so far out of sync with the cost of living that the proposals are unlikely to remedy families' deep financial distress. Barring a drastic policy change, they say workers like Garcia will continue to struggle mightily under the ballooning costs of health care, transportation, child care and housing.

''I hope I am wrong,'' said Ralph Gonzalez, a social worker with the Sacramento County Department of Human Assistance. ''I hope with the increase of the minimum wage we can get it. But with all my years of experience, I really doubt it. I really do.''

Another California Budget Project report, this one released in September 2005, estimated that a single adult in the Sacramento region needed to earn about $11.61 an hour, or $24,151 a year, to cover housing, utilities, transportation, food, health care, taxes and miscellaneous expenses. They calculated that a single parent raising two children, such as Garcia, would need to earn $24.17 an hour, or $50,272 annually, to cover basic expenses.

Minimum-wage earners patch together strategies to make ends meet: some cram into one bedroom apartments shared by multiple families. Many work two or three jobs. They run up debt to pay medical bills, buy clothing at rummage sales and visit food banks when there's nothing left to eat. Many teeter on the edge of homelessness until, like Garcia, they fall off.

Garcia has round brown eyes, a long ponytail and the names of her children, Yesenia and Joshua, tattooed over her heart. Until last week, she worked about 15 hours a week at Round Table Pizza. Now she's applying at Del Taco and Wal-Mart and a discount store. She's worked full-time in the past and would like more hours, but recently hasn't been able to get them. She's afraid to take a second job because her absence already is hard on her children. For the same reason, she finds it difficult to complete the coursework she needs for a GED, virtually a requisite for most better-paying jobs.

That leaves her with about $190 every two weeks, after taxes, she said. Even with a $300 monthly check from Temporary Assistance for Needy Families for her 7-year-old daughter, and a monthly $300 in food stamps, she doesn't have enough to rent an apartment.

To even consider an application, most landlords want her to earn at least double the rent. The cheapest one-bedroom she's seen is in North Highlands, for $400.

John Foley, executive director of Sacramento Self Help Housing, said most landlords in Sacramento actually require tenants to make 2.7 times the rent. Most refuse to rent to people with any history of evictions or bad credit.

''It's legal to have those criteria,'' he said. ''But, of course, they really crunch the poor.''

He said it is especially disconcerting that workers in Sacramento cannot afford rent, because the region is relatively affordable compared with much of the rest of the state.

''We ought to be able to fix it here,'' he said. ''That's what's so shameful.''

Health care costs, which increase more than 7 percent each year across the country, also pinch the working poor. Some workers, like Garcia, receive Medi-Cal. But, for a whole host of reasons, many others are ineligible for government programs.

Marina Aguilar, an uninsured Der Wienerschnitzel worker, knows intimately the burden of medical bills. She says her husband, an asthmatic, was admitted to a local hospital overnight after a severe attack two years ago. He was uninsured, and the bill for his short stay came to $5,000. For two years, Aguilar says, she and her husband—who lays tile for a living—have paid $100 every month on that bill. So far, they've paid more than $2,000, but they still owe about $4,000 because of interest.

Aguilar, a 37-year-old mother of three, earns minimum wage working 30 to 35 hours a week. Her husband is now insured, but she is not covered by his plan. Last month, her doctor told her there was something in her breast that needed to be biopsied. The biopsy alone would cost $5,000. Her mother, grandmother, great-grandmother and sister all had cancer; the risk is clear.

''I'm worried, because if I have cancer, cancer spreads very quickly,'' she said in Spanish as she sat in her sister-in-law's lace-curtained home across the street from the Sacramento Food Bank.

Aguilar would like to use the money she earns to buy things for her 10-, 15- and 19–year-old daughters and 3–year-old grandson. She'd like to take the younger ones to Chuck E. Cheese's, maybe even on a vacation someday. She's never been on a vacation.

Low-wage work can seem, to many workers, to be a whirlpool from which they can never escape. Gonzalez, of the Sacramento County Department of Human Assistance, has another name for it: Catch–22.

Homeless people don't have alarm clocks or easily accessible showers, he said. So those workers who are sleeping in their cars, or under a bridge, often lose their jobs because they can't be presentable for work. Those who are not homeless may need to ride a bus several hours to get to work on time. They may not be able to afford the high cost of child care. Few services exist to help them, Gonzalez said.

At nearly age 60, Epitacio Leon has spent 43 years watering and tilling and picking the state's agricultural fields. His face is baked dark from decades in the sun, his fingernails are caked with earth, his bottom teeth are missing. His most recent raise, from $6.75 to $7 an hour, represents the highest wage he's ever earned.

Leon rises at 4 every morning in the tiny trailer where he lives alone. He eats breakfast, then catches a ride to the fields with another worker. By 6 a.m. he is working, irrigating tomato and sunflower fields near Woodland. He works for 12 hours, then comes home exhausted. He drinks a few beers and goes to bed.

''I'm old already,'' he said in Spanish as he sat in his niece's Woodland home last week. ''I'm tired of working already.''

If he retires now, he said, he wouldn't get enough money from the government to pay his bills.

The sounds and smells of his great-niece's high school graduation barbecue floated into the living room. Always working, never saving, Leon didn't have a family of his own. But he visits his niece's family on evenings and weekends and special occasions, and finds pleasure in playing the role of great-uncle.

On the evening of the graduation party, his 10-year-old great-nephew walked into the living room. Leon teased him a little, then asked him to bring him a beer. Then he stopped him.

''Let me see whether I have a peso,'' he said, fishing in his pocket. He pulled out a $1 and a $10 bill. He deliberated a moment before handing the boy the $10.

The boy beamed. Leon smiled a little.

It would be nice to retire some day, he said. But it won't be next year, and probably not the year after that.

The Cost of Living:

$5.15 federal minimum hourly wage.

$6.75 California's minimum hourly wage.

$7.63 Washington state's minimum hourly wage, the highest in the nation and indexed for inflation.

$11.61 hourly wage a single adult in the Sacramento region needs to cover basic living expenses.

$24.17 hourly wage a single parent raising two children in this region needs to cover basic living expenses.

Mr. KENNEDY. The stories continue along. This is happening out in Sacramento.

Here is a story about, for all intents and purposes, Christie:

Christie did a job that this labor-hungry economy could not do without. Every morning she drove her battered '86 Volkswagen from her apartment in public housing to the YWCA's child care center in Akron, OH, where she spent the day watching over little children so their parents could go to work. Without her and thousands like her across the country, there would have been fewer people able to fill the jobs that fueled America's prosperity. Without her patience and warmth, children could have been harmed as well, for she was more than a babysitter. She gave the youngsters an emotionally safe place, taught and mothered them, and sometimes even rescued them from abuse at home.

For those valuable services, she received a check for about $330 every two weeks. She could not afford to put her own two children in the day care center where she worked.

She is looking out for children, and she is unable to provide the childcare for herself.

Carolyn Payne did everything right but still can't find a job with decent wages.

She had earned a college diploma, albeit a two-year associate's degree. And she had gone from a homeless shelter into her own house, although it was mostly owned by a bank. The third objective, ''a good-paying job,'' as she put it, still eluded her. Back in the mid-1970s, she earned $6 an hour in a Vermont factory that made plastic cigarette lighters and cases for Gillette razors. In 2000, she earned $6.80 an hour stocking shelves and working cash registers at a vast Wal-Mart superstore in New Hampshire.

''And that's sad,'' she said.

She just can't make it and is in a homeless shelter. These people, our brothers and sisters of America who want to work, want to provide for their families, will do hard and difficult work. Carolyn Payne should have a greater sense of hope in the richest and the most powerful country in the world. We will give them that if we increase the minimum wage.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I am going to describe what I understand is in the amendment which is being offered by Senator ENZI. I think it is important that we have a chance over the evening—because it looks less likely that we are going to be completing this debate tonight. We have others who are on their way over here. But I am going to review this and try to get through it, and then if I have misstated it, I hope I will be corrected.

In the last 9 years, while costs have been rising, the minimum wage has been stuck at $5.15 an hour; that is, $10,712 a year, $6,000 below the poverty line for a family of three. Since 1997, the minimum wage has lost 20 percent of its value. The Enzi proposal is a $1.10 increase—far short of making up for this lost value. It won't even make up for the lost value of the purchasing power of the existing minimum wage. It leaves behind 4.8 million workers who would be covered by the Democratic proposal because it only raises the wages of 1.8 million workers.

The raise to $5.15 was historically low, lower than any but for one increase in the 1960s. In fact, before the 1997 increase, the minimum wage had fallen to its lowest level since 1960. So we can't allow such a low increase for hard-working minimum wage workers.

Eighty percent of the 14.9 million Americans who would be affected by the minimum wage are adults, and more than a third are the sole breadwinners in their families. Minimum wage workers have waited 9 years. They deserve one that is fair.

On the issue about the 10 million Americans who will lose the minimum wage in overtime protection, first, the Bush administration and Republican leadership in Congress stripped away overtime protection from 6 million Americans. That has already taken place. That has already taken place. They have done that through rules and regulations. Now they want to deny over 10 million more workers, minimum wage workers, overtime pay by eliminating the fair labor standards coverage entirely. Do you see what I mean? If you eliminate the coverage of the Fair Labor Standards Act, you eliminate the protections for overtime pay.

Currently, all employees who work for employers who are engaged in interstate commerce, have gross annual sales of at least $500,000, are guaranteed the minimum wage and overtime pay. But even in businesses that have less than $500,000 in annual sales, employees still have individual minimum wage and overtime coverage if they are engaged in interstate commerce. The Enzi amendment would raise the $500,000 annual sales to $1 million and eliminate the fair labor standards coverage for workers who are engaged in interstate commerce. No more overtime for those individuals—10 million.

Raising the annual business threshold to $1 million and eliminating the individual coverage would force greater numbers of hard-working Americans, retail workers, security guards, garment workers, waitresses, and their families into poverty. Raising the annual threshold and eliminating individual coverage would allow businesses to pay their workers less than the Federal minimum wage and require them to work longer hours without overtime pay.

So, on the one hand, you get the $1.10 increase for 1.8 million, which will not even cover the lost value of the $5.15 since the last 9 years. Then you eliminate the overtime protections for these workers as well. Because the Fair Labor Standards Act guarantees overtime and equal pay for women and men, this exemption jeopardizes these rights for over 10 million workers.

The gross annual sales threshold was created as a way to determine that employers were engaged in interstate commerce, not as a way to exempt workers from minimum wage and overtime protection. Doubling the annual sales threshold and eliminating individual coverage would take away those protections for over 10 million workers, contradicting the long-term intent of the Congress to expand the Fair Labor Standards Act.

For over 60 years Congress has repeatedly amended the Fair Labor Standards Act to provide more protection, more minimum wage and more overtime protection—not less. This will be the first time we will see the significant reduction rather than an expansion.

Instead of trying to exclude over 10 million workers from the guarantee of a minimum wage, we should be trying to raise it. It has been more than 9 years. Americans have waited long enough.

This chart indicates raising the business exemption reverses a tradition of extending worker rights.

Congress amended the business exemption in 1961, 1967, 1969 and 1989, each time to afford more employees minimum wage and overtime protections. The current $500,000 exemption was established deliberately to cover more employees. By raising the exemption, the Republican proposal would reduce the protection for the first time.

That is very important.

I want to cover the last two points. I see the Senator from Connecticut here.

Under the Republican proposal, workers opt into the flextime system, but once they do, they do not control their own schedules. They work a 50-hour workweek when their employer tells them to, not when they choose to.

Under the current system, workers would get overtime for those extra 10 hours a week. Under the Republican proposal, they would not.

The Republicans claim the proposal would give the parent time to see a child's soccer game or attend a child's school play. They, in reality, don't get that freedom. They just get paid less for working a longer workweek.

Public sector workers also have greater protection from being coerced to agree to flextime if they don't want it. Pubic employees generally have the protection of a union contract as well as the constitutional due process protections afforded them in the Civil Service, although this administration is trying to undermine those due process rights as well. Public employees can challenge abuses of flextime within the context of those protections, whereas most public employees cannot.

As then-Governor Ashcroft explained in 1985, when the Senate was considering whether to permit flextime in the public sector:

State and local governments are qualitatively different in structure and function from private business. Public employees serve under exceptional circumstance, the most significant characteristic of which is the protection public servants enjoy because they work in government.

I am also going to add to the statement an analysis on the tip credit that would show how this effectively preempts the State from being able to make a judgment on this. This is a one-size-fits-all. It is ''the Federal Government knows best.''

If we pass it here, we preempt what Massachusetts can do, what Connecticut can do, what Georgia can do. It doesn't seem to me to be the wise course of action. We permit States to make their own judgment to increase the minimum wage because that is what it is, a minimum. It is a bottom. But this proposal is going to interfere with the States' wage policy in other ways.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAMBLISS). The Senator from Connecticut.

Mr. DODD. Mr. President, let me begin, if I may, by once again commending our colleague from Massachusetts for his leadership on this issue. Over the years, no one has been a stronger champion, a louder voice, a stronger voice on behalf of the most disadvantaged in our society than the senior Senator from Massachusetts. Once again he is proving that point with this amendment he has offered. Frankly, as I recall in years past, increases in the minimum wage were the ones that were endorsed by both parties. I am old enough to remember when an increase in the minimum wage would have occurred in far less time than 9 or 10 years.

Nearly a decade has elapsed since the last increase. I am sure my colleague from Massachusetts can tell me on the average, it was probably every 2 or 3 or 4 years that the increase would occur. When it did, when the proposal was offered and it was worked out between the two parties, it went through almost unanimously if not unanimously. But here we are. This is an indication of what has happened in our beloved country over the last number of years.

Nearly 37 million of our fellow citizens, including 13 million children are currently living at or below the poverty level in the United States. Yet we somehow cannot find ways among ourselves here to reach a consensus to increase the minimum wage to $7.25 over the next 2 years—a $2.10 increase.

I find that rather shocking. I suppose it is an indication of what has happened to the body politic in this country, that you cannot find common ground to make a difference in the lives of almost 40 million of our fellow citizens.

These Americans are struggling out there every single day and as I mentioned earlier, 13 million of them are totally defenseless—our children. Certainly, while Members of Congress may find it odd, the average citizen out there, even those who are making way beyond the minimum wage, were they here tonight in this Chamber, would tell you how difficult it is to meet the rising cost of living—food, housing, clothing—not to mention soaring energy costs. Yet in the midst of all of that, we find it impossible to provide an increase, after nearly a decade, of $2.10 per hour for these families in our country.

Mr. KENNEDY. Will the Senator yield for a moment?

Mr. DODD. I am happy to yield to my colleague from Massachusetts.

Mr. KENNEDY. As all of us know, the Senator has been the chairman of the Children's Caucus here in the Senate. He is the author of the Family and Medical Leave legislation. He worked 5 years to get that legislation passed. It has been a great success. There were extensive hearings in our committee over the course of the years on children and children's needs, children's education.

Does he agree with me that we have seen this remarkable growth of child poverty in the last 5 years? The Senator has just mentioned this. I just want to underline it. In the strongest economy of the world, we are seeing a significant growth in child poverty and child hunger in this Nation, and we have seen, as the Senator pointed out, the virtual lack of increase in the minimum wage and the reduction of purchasing power.

Does the Senator join with me in recognizing what we have seen? The U.K., which is the second strongest economy in Europe, will be going to $9.80 an hour in December. Gordon Brown takes pride in the fact that they have raised 1.8 million children out of poverty in the U.K. over the period of the last 5 years. In Ireland it is $9.60, and they have raised hundreds of thousands of children out of poverty.

Does the Senator agree with me that the fact of the failure of increasing the minimum wage has had an extremely negative impact on the well-being of children in our country, resulting in the fact that there are hundreds of thousands, even millions more children who are living in poverty because we have failed to do that?

Mr. DODD. Mr. President, I say to my colleague, if he will yield back, I couldn't agree with him more. This is one of the great myths about the minimum wage increase. You will hear over and over again; in fact, we have heard it here already today: If you increase the minimum wage, this hurts business. This makes it more difficult to hire people, to employ people.

I found it rather interesting that in surveys done among the business community, particularly the small business community, 86 percent of small business owners do not think the minimum wage affects their business.

The Senator from Massachusetts is absolutely correct that raising children out of poverty is directly related to the ability of their parents to provide for them.

Again, it should not take lecturing here to my colleagues in this great body to make the case, in the 21st century, that we are going to have to have the best prepared, best educated, healthiest generation we can produce if we are going to remain competitive in a global economy. When you have 13 million of your children growing up in poverty, how are these children going to effectively compete? How are they going to be well educated? How are they going to be healthy enough not only to be good parents themselves, but good workers, and good citizens?

It seems axiomatic. It should be understood on its face. If we continue on the road we are traveling, with the number of children in our country growing up in poverty increasing, it is going to make it more difficult for our country to compete in the 21st century.

There is a graph here which I know the Senator has seen, but it makes the case of what is happening. The United States has the highest child poverty rate in the industrialized world: Denmark, Sweden, France, the Netherlands, Germany, Spain, Japan, Canada, U.K., Italy. All of these countries, major competitors in the world, do a far better job seeing to it that their children are better prepared to meet those challenges.

Our future is lagging behind when a substantial number of children are growing up, in our great country, in poverty. This is through no fault of their own. It is through the accident of birth, being born into a family where their parents are struggling to earn a decent wage and make ends meet. These are working families, by the way. These are not families collecting subsistence or some kind of charity. They are out there working, earning an income that does not allow them to meet the basic necessities of life.

Mr. KENNEDY. Will the Senator yield?

Mr. DODD. I am glad to yield to my colleague.

Mr. KENNEDY. The Senator has given just an excellent statement about what happens to children when they live in poverty. I was wondering if the Senator would comment about the growth of hunger over the last 5 years. There are 5 million more of these people now, according to the USDA, and more than 20 percent of these are children. Five million more Americans are hungry or on the verge of hunger.

I wonder, I ask someone who chaired the Children's Caucus, I ask about the fact that children are increasingly pressured in terms of the issue of hunger, what does this do to a child in terms of a child's development?

Let me add one addendum. I believe the Senator may remember what happened, I think it was in Philadelphia, where they expanded the school lunch program to include a school breakfast program. They found out that the grades of the children all went up noticeably—I think it was somewhat

close to 10 percent. In any event, it was clearly noticed, as they found out, when children have decent nutrition, their performance—in terms of educationally, culturally, socially, and from a discipline point of view—is very importantly impacted. I wonder if the Senator would tell us from his own experience what he knows about this.

Mr. DODD. I thank my colleague for bringing up this chart to emphasize the point. I think these numbers are from the Department of Agriculture.

Again, the Senator is making an excellent point. If you have a hard time understanding what the Senator from Massachusetts is saying or the Senator from Connecticut, ask any teacher. Ask any teacher in this country, particularly at the elementary school level, what sort of academic performance, what sort of attention spans you have with a child who has received adequate nutrition, a decent meal, compared to those who have not. You will hear anecdote after anecdote of what happens with children who do not have proper nutrition—not to mention the growing health care problems that can emerge.

This is just good, sound investment policy. If you really care about the future of your country, if you really care about whether or not our Nation's children are going to be able to perform adequately in this century, then clearly making sure that they have the basic essentials is, again, so obvious that it should not require a debate on the floor of the Senate to make the point.

Mr. KENNEDY. Will the Senator yield for one more question?

Mr. DODD. Yes.

Mr. KENNEDY. Now we find out there is increasing hunger, and now we know it affects more than one million children.

Can the Senator tell us what he knows about Americans and their degree of support to relieve the hunger of children? It is truly overwhelming, is it not?

Mr. DODD. It is not surprising but it is worthy of being repeated.

Ninety-four percent of our fellow citizens across this country, regardless of geography and economic circumstance, of gender, ethnicity, whatever the differences may be, agree with the following quotation: People who work should be able to feed their families. Ninety-four percent subscribe to that notion.

The Senator from Massachusetts is talking about working families. Our fellow citizens believe that if you are a working family, you should be able to make enough money to feed your family.

This is the United States of America. This is not some Third or Fourth World country we are talking about. Yet with 37 million of our fellow citizens, adults and children, unable to meet the requirements of basic food and nutrition, it ought to stun everyone in our country.

What we are trying to do is make it possible for these people who are working hard to be able to provide for their families. That is all we are talking about.

I point out to colleagues who have offered an alternative to this proposal, that a $1.10 per hour increase to $6.25 per hour over the next 2 years, means that millions of children would be left behind.

What the Senator from Massachusetts is offering—with a bipartisan group of support, we hope—is a $2.10 per hour increase to provide for the needs of working families. What the Senator from Massachusetts has laid out I couldn't agree more with him. If you are truly interested in making a difference in this country, that extra $1 per hour could make a huge difference in the ability of these families to make ends meet.

Among full-time, year-round workers, poverty has increased by 50 percent since the 1970s. Minimum wage employees working 40 hours a week, 52 weeks a year are earning $10,700 a year. That is almost $6,000 below the Federal poverty guidelines of $16,600 for a family of three—$6,000 less than you ought to be able to have if you are going to meet the poverty guidelines.

Here we are in the 21st century, and the minimum wage is losing its value as well. Since the minimum wage was last raised nearly 10 years ago, its real value has eroded by 20 percent. Minimum wage workers have already lost all of the gains from the 1996–1997 increase.

Today, the real value of the minimum wage is more than $4 below what it was in 1968. To have the purchasing power it had in 1968, the minimum wage would have to be more than $9.25 per hour—not the $5.15 we are currently at.

I want to make a point as well about what the impact of this minimum wage increase would have on the lives of working families.

Nearly 15 million Americans would benefit from the minimum wage increase to $7.25 per hour. That is 6.6 million people directly affected in a positive way and another 8.3 million affected indirectly. Almost 60 percent of these workers are women, and 40 percent are people of color. Eighty percent of those who would benefit are adult workers, not teenagers seeking pocket change, as some have said, and more than a third of these are adults are the sole providers for their families.

Again, we are talking about an increase to $7.25 per hour, which is still hardly enough to make ends meet when you consider the cost of food, clothing, housing, not to mention the skyrocketing cost of energy that has hit everybody in this country. We all know how hard it is to provide for our families.

If you raise the minimum wage to $7.25 per hour, it would mean an additional $4,400 a year. That additional money would be enough for a low-income family of three to buy 15 months of groceries which they couldn't otherwise get, 19 months of utilities which they would not otherwise be able to afford, 8 months of rent, over 2 years of health care, 20 months of child care, 30 months of college tuition at a public 2-year college. Consider those numbers—20 months of child care that these working families need if they are going to keep their jobs and keep their children safe, not to mention 30 months of college tuition. It may not seem like much, but it is important.

In 10 years, the person earning minimum wage has received no pay increases, unless they have been lucky enough to live in a State that increased the minimum wage.

But for most of our fellow citizens, that has not been the case. And we now have nearly 40 million of our fellow citizens living at or below the poverty level.

I repeat this because I know my colleagues care so much about it. To have 13 million of our children in this country who, except by accident of birth, have found themselves living under these circumstances and having to survive at that level is unacceptable.

This is the United States of America. We ought to be doing far better.

To find out, as we recently pointed out on the chart, that almost every other industrialized country in Western Europe is doing far better by their children, far better by their minimum wage workers, ought to be a source of collective embarrassment for this great country of ours.

I don't think I have to make this case too often. We know how difficult it is going to be to compete in the 21st century. If we don't have a generation coming along that is well educated and well prepared to meet the challenges of the 21st century, it is going to be hard for Americans to remain strong and competitive.

You just have to read about what is happening in our major competitive countries. We take great pride in 60,000 high school students in this country who competed last year in the science fair, a great number. Compare that with 6 million who competed in the same science fair in the People's Republic of China last year.

That is the challenge of the 21st century.

With 13 million kids in this country going without getting a decent meal every day, we are going to have a real problem on our hands if you do not begin to address that.

I feel strongly about this and I wish we could reach agreement quickly. I remember the days when the minimum wage increase was done by a voice vote. We worked out the differences and sat down and negotiated, and it was passed unanimously on a record vote or a voice vote. How sad it is that we have come to this, where nearly a decade later we are sitting here arguing with each other about whether 15 million of our fellow citizens could get a bump of $2.10 per hour up to $7.25 an hour.

This ought to be something we can all agree on and not engage in this kind of acrimonious debate.

I want to point out, as well, that there are other provisions that will be offered by the majority that are very troublesome to me, including a fundamental change in the overtime pay schedule that I think is very unfair to people. This goes beyond the minimum wage worker. Here we have always provided that if you work more than a 40-hour week in that week, then you get time and a half. That has been Federal law. We are now saying we are going to apply a 2-week standard. An employer could have you work 50 hours in 1 week and 30 hours in the next. That is 80 hours, but for the 10 hours more in the first week, you don't get the additional pay.

That is unfair to a lot of people in this country. If you work an additional 10 hours in a week, that can be hard labor, and you ought to get time and a half. The law requires it. That would be a $3,000 per year pay cut for a median income worker and an $800 pay cut for minimum wage workers. That additional 10 hours of overtime pay could make a big difference.

I don't know why the majority decided to add that provision. It seems to me that is unduly harsh to an awful lot of people.

We talked about the poverty level working with the minimum wage. I am talking about people who are above the poverty level but are struggling and don't have to be making $16,000 or $10,000 to be struggling in this country. You could be making $40,000, $50,000 or $60,000 a year. If you are a family of four, you may very well be struggling, considering the cost-of-living increases that have gone on. For that man or woman who works an additional 10 hours a week, 10 hours away from their families after putting in 8 hours a day, 5 days a week, that additional 10 hours can be hard. And to say I am not going to give time and a half for those 10 hours I think is unfair to those people.

If that ends up being adopted, I think it is a great step back as well.

I hope we will adopt the proposal that the Senator from Massachusetts has offered. I commend him, once again, for making a strong case.

Again, on behalf of 13 million children in this country, and million of people who are out there struggling tonight to take care of their families, to raise good families, I urge adoption of the amendment being proposed by our colleague from Massachusetts. I hope it will be adopted by our colleagues when voted on tomorrow. It is an important contribution. Nine years is too long to wait for an increase in the minimum wage.

I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, on behalf of the leadership, I make this unanimous consent request.

I ask unanimous consent that the first amendment, No. 4323, be withdrawn; provided further that Senator ENZI be recognized in order to offer a first-degree amendment relating to the minimum wage; provided further that the Senate then resume debate at 9:30 a.m. on Wednesday and that there be 1½ hours of debate equally divided between the chairman and ranking member of the HELP Committee or their designees. I further ask unanimous consent that at the use or yielding back of time, the Senate proceed to a vote on Kennedy amendment No. 4322, to be followed by a vote on the Enzi amendment, with no amendments to the amendments in order; provided further, if either amendment does not get 60 votes in the affirmative, then that amendment would be automatically withdrawn.

I further ask unanimous consent that following those votes, Senator LEVIN be recognized in order to offer amendment number No. 4320 related to Iraq. There will be 5 hours equally divided in relation to that amendment, and following that debate, the amendment be set aside and Senator KERRY be recognized to offer his amendment related to Iraq.

Mr. DODD. Reserving the right to object, I express my appreciation to the Senator from Virginia and the Senator from Michigan. I have an amendment I am considering offering dealing with Guantanamo Bay.

I inquire as to whether there is an opportunity to work that out?

Mr. WARNER. I simply say, I understood the Senator has that amendment. I have asked colleagues on this side to be here. They are now present.

The Senator indicated you would lay it down now for the purpose of introducing the amendment, having a colloquy on the amendment, and the time for the voting would be established by the leadership at some point in the future.

Mr. DODD. I thank the chairman.

Mr. WARNER. The Senator is now ready to proceed.

Mr. DODD. I wanted to make sure in the discussion there was a space for that.

Mr. HARKIN. Reserving the right to object, I am here to speak on the minimum wage amendment.

Are we going off of that?

Mr. REID. We will vote on it in the morning.

Mr. HARKIN. OK.

Mr. LEVIN. Reserving the right to object, is it my understanding that there would be no amendments allowed to my amendment?

Mr. REID. If the Senator will yield, we just got a call that some Senator objects to this.

Mr. WARNER. I didn't hear what the distinguished Democratic leader said.

Mr. REID. A Senator just called objecting to this request.

The PRESIDING OFFICER. Is there an objection to the unanimous consent proposed by the Senator from Virginia?

Mr. LEVIN. There is an objection, apparently, which we just received in the cloakroom.

Although I support it, we have to object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Iowa.

Mr. HARKIN. Mr. President, last March in the bankruptcy reform bill, the Senate debated the minimum wage with Senator KENNEDY offering an amendment to increase the minimum wage over a 2-year period to $7.25. That amendment failed on a largely party-line vote, 46 to 49. Again, last October, another Kennedy amendment to increase the minimum wage over a 2-year period, to $6.25, again failed on a largely party-line vote, 47 to 48.

Both votes ignored the fact that 37 million Americans, many holding down full-time jobs, are living in poverty.

Here we are again. This week we again debate an amendment offered by Senator KENNEDY, me, and many others, to increase the minimum wage. I hope this time the outcome will be different. Indeed, with 37 million Americans living in poverty, almost 13 percent of our population, we have to have a different outcome. We have to raise the minimum wage.

Poverty is increasing sharply among the working poor. The new Census Bureau numbers show over the last year alone, the number of Americans who work but live in poverty increased by 563,000. The number of Americans who work but live in poverty increased by half a million.

A job ought to lift people out of poverty not keep them in poverty. But that is what we have today—more and more Americans working, yet more and more Americans falling into poverty who are working. A job ought to lift you out of poverty. It offends our basic sense of fairness to know there are many Americans who work full time, play by the rules, and still live in poverty.

Millions of Americans find themselves doing this, including 13 million children. That is why it is absurd, beyond reason, hard to explain to the average person why the minimum wage has been stuck at $5.15 an hour for the last 9 years.

How would any Senator like to have the same salary that he or she got 9 years ago? Seven times in the last 9 years we have raised our salaries. We have adjusted upward to account for the increased cost of living. Yes, over the same time, we have callously allowed the income of workers earning the minimum wage to languish, lose value every year, as inflation has gone up and they stay the same. It is incredible we would raise our salaries seven

times in 9 years and never raise the minimum wage.

The amendment offered by Senator KENNEDY and me and others to raise the minimum wage to $7.25 is, as I said, long overdue. Prior to last March, it had been 5 years since we last had a vote on the minimum wage. It has now been 9 years since we last raised the minimum wage.

To have the same purchasing power, for example, if we took the year 1968, the minimum wage today would have to be more than $9.26 an hour. Minimum wage workers earn a paltry $10,712 a year total, almost $16,600 below the Federal poverty guidelines for a family of three.

This chart shows the salary of a full-time minimum wage worker to be $10,712. The average family health care premium in 2005 was $10,880. Right now, 35 percent of minimum wage workers in America are the sole support of their families. These are not just teenagers. Some may be teenagers; more often than not it is a single, working mother. They can work hard all year at the minimum wage—and they do work hard, if you have ever seen anyone do that kind of work—and they cannot even buy a health care premium.

As I said, the salary for full-time minimum wage workers is $10,712; the average cost of a health care premium, $10,880. They could not even afford to buy health care, let alone pay rent, buy food, pay for heating, buy gas for the car to get back and forth to work.

As I said, there is a lot of misperception about who gets the minimum wage. We hear it is teenagers, part-time workers flipping hamburgers. Here are the facts: 35 percent earning the minimum wage are the sole breadwinners of their families; 61 percent are women; almost a third of those women are raising children; 76 percent of the women who would directly benefit from an increase are over the age of 20. Among families with children, and a low-wage worker who would be affected by an increase, the affected worker contributes half of the family's earnings. Those are the facts.

A decent minimum wage is critical to moving people from welfare to work. I thought that is what we wanted to do. Since the Clinton Welfare-to-Work Program in 1996, we reduced the number of welfare cases by half. But so many of the people who moved off of welfare did not move out of poverty. Why? Because at the current minimum wage, it is not a living wage, it is a poverty wage.

An increase to $7.25 would make a dramatic difference. It would add $4,370 in income. That is real value to a family living in poverty. Nearly 7.5 million workers would benefit from a minimum wage increase. In my home State of Iowa, 87,500 workers would benefit from the increase, more than 6 percent of our workforce.

In urging the passage of the first minimum wage legislation, President Franklin Roosevelt once said:

> No business which depends for existence on paying less than living wages to its workers has any right to continue in this country.

Imagine that. He went on to say:

> By living wages, I mean more than bare subsistence levels. I mean the wages of a decent living.

He had it right. We can do it better. Gas prices are up 70 percent, health insurance is up 33 percent, college tuition is up 35 percent, housing is up 36 percent, and wages are up 1 percent. Minimum wage is up nothing, not even 1 percent.

During the same period, private sector executive salaries have risen dramatically. Right now, the average CEO in America makes $11.8 million a year—the average worker is earning $27,460 a year—431 times what the average worker makes. Imagine being a minimum wage worker making $10,000.

Mr. REID. Would the Senator yield for a unanimous consent request?

Mr. HARKIN. As long as I get the floor back.

Mr. REID. I ask that the Senator, when we finish, be permitted to resume the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I would like to ask the unanimous consent request made by the Senator from Virginia a few minutes ago be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, I presume that the request is as read and that there have been no changes, and we will then have the sequence of recognition of Senators Levin and Kerry; and I add to it that thereafter the Senator from Virginia would be recognized for the purpose of submitting whatever amendment.

I ask for recognition for the purpose of offering the amendment from our side on whatever subject that comes up at that time at the conclusion of these two.

Mr. LEVIN. Reserving the right to object, I assume there would be adequate time that we would be allowed to consider an amendment of the Senator from Virginia? As I understand, the Senator was talking about a possible amendment on Iraq.

Mr. WARNER. I said it could be on anything.

Mr. LEVIN. Could be on Iraq.

Mr. WARNER. We have been going back and forth.

Mr. LEVIN. Is the Senator offering the amendment he is referring to postcloture?

Mr. KERRY. Mr. President, if I could inquire, I agree with the minority manager of the bill, there is a question about what the amendment might be about. If it comes precloture or postcloture, postcloture it makes no difference. If it is precloture and it is about Iraq, I think the Senator from Michigan and others would then have an interest in being able to respond to whatever that amendment is.

I say to the distinguished manager, the Senator from Virginia—and it is his right, and we are very happy to have him acknowledge that right to put that amendment in—we would want to have time, obviously, to debate it and respond to it, conceivably.

The question is whether it is precloture or postcloture. I ask the Presiding Officer if the Senator from Virginia intends to offer whatever amendment he does immediately after cloture or precloture?

Mr. WARNER. Mr. President, I withdraw that and ask unanimous consent that we approve the request as read earlier.

Mr. LEVIN. Reserving the right to object, when we were discussing this last, I asked whether or not the manager, the chairman, would make it clear that my amendment is not subject to amendment.

Mr. WARNER. Mr. President, we are perfectly willing to make that eminently clear.

Mr. LEVIN. And also if the Senator would agree that the Kerry amendment—

Mr. WARNER. We have not seen his amendment.

Mr. LEVIN. Then the request is that the unanimous consent request be amended so that my amendment which is on file will not be subject to amendment.

The PRESIDING OFFICER. Is there objection to the modification of the unanimous consent request of the Senator from Virginia that the Levin amendment not be amendable? Without objection, the request is so modified.

Mr. WARNER. Has the Chair ruled on the underlying UC request?

The PRESIDING OFFICER. Is there objection to the request as modified?

Mr. DODD. Reserving the right to object, I know we have had a discussion with the distinguished chairman of the committee. Senator BINGAMAN and I are interested in offering amendments at the appropriate time precloture on the Guantanamo situation. I am wondering if we could allocate an hour before the cloture motion is filed to raise that amendment and then have a vote on it, either one or two of those amendments.

Mr. WARNER. Mr. President, I have been trying to get the minimum wage put aside so that you could move. And you are going to argue tonight your amendment; is that correct?

Mr. DODD. I say to my colleague—

Mr. WARNER. And Senator BINGAMAN likewise. I think he has an amendment pending at the desk.

Mr. LEVIN. It has not been filed.

Mr. WARNER. But he has spoken to it.

Mr. LEVIN. That is correct.

Mr. WARNER. What is the desire? I have to ask my colleagues, we are trying as best we can to accommodate all interested parties. The amendments are coming from this side. It is really incumbent on you all to try and reconcile how you wish to proceed. We are about to lock up the two significant amendments of the Senator from

Michigan and the Senator from Massachusetts. I recognize you have had that amendment. You asked to bring it up tonight. I have assembled a group of my colleagues to debate the amendment. What is the pleasure?

Mr. REID. Mr. President, if the Senator from Virginia would yield—

Mr. WARNER. Yes.

Mr. REID.—the problem we have is, the Senator from Connecticut wants to have his amendment heard prior to cloture. The problem is, there has not been a motion for cloture filed yet. If the cloture motion is filed tonight, then under the rules, an hour after we come in on Thursday, cloture would be voted on. That being the case, under the proposed unanimous consent agreement we have here, there is going to be a lot of hours used up prior to Thursday morning at 9 or 10, whenever we come in here. I think there are a lot of people who want to offer amendments, but unless they are germane amendments, there would be no guarantee that there would be a vote on them, other than the two here. We have had assurances that the Levin and the Kerry amendment, even though there would be a problem with cloture, they would allow a vote on that. I think realistically, it would be hard for anyone to guarantee a vote prior to cloture to the Senator from Connecticut.

Mr. WARNER. Mr. President, we had understood that the debate would be held tonight. We were willing to have a vote on Gitmo tomorrow right after the minimum wage. There it is.

Mr. REID. That would certainly be long before cloture and the debate would be finished tonight, and we could slow up Senators LEVIN and KERRY by more than 20 minutes.

Mr. DODD. If we could agree to a vote on one or two amendments on the Gitmo situation and allow us the opportunity to debate this evening or possibly an hour tomorrow morning before the vote, that would accommodate us completely. If we could accommodate that request, then we can go forward. That is the request we would like to make.

Mr. REID. I respectfully request, I have spent nearly all of the day trying to work something out on these two amendments. Senator LEVIN and Senator KERRY can speak for themselves. I am not sure they want another hour. We can finish the debate on yours tonight and vote on it in the morning with 15 or 20 minutes evenly divided. Maybe something like that could be worked out, but I don't think there is an hour left. If these two men debate tomorrow night, we aren't going to finish this thing until some time late tomorrow night at best.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia?

Mr. REID. I would simply say this—and I appreciate very much the Senator from Iowa being so courteous—everyone is in agreement that we are going to try to work something out so that you and Senator BINGAMAN can get a vote on your amendment tomorrow morning. It is just a question of how we do it timewise.

Mr. DODD. Is that the understanding, that that would be the case?

Mr. WARNER. We will try and do our very best.

The PRESIDING OFFICER. Is there objection to the request, as modified?

Without objection, it is so ordered.

The Senator from Iowa has the floor.

Mr. WARNER. If the Senator would yield just for a moment, I would like to ask my two colleagues, for the knowledge of my two colleagues on this side, how soon may we start the debate on the Guantanamo amendments?

Mr. DODD. Why don't we say around 7 o'clock. Say at 7 o'clock.

Mr. WARNER. We will certainly accommodate the Senator from Iowa. I have two colleagues who withdrew from their schedules to come over here tonight because we were told that we would start this debate.

Mr. DODD. I would say at 7 p.m.

Mr. WARNER. All right, 7 p.m.

Mr. HARKIN. Mr. President, the average CEO in America today makes $11.8 million a year. The average salaried worker makes $27,460 a year. That is 431 times what the average worker makes. That is the average worker. Take a minimum wage worker at $10,600 a year. The average CEO makes a thousand times more a year, a thousand times more than a minimum wage worker. So you can see the disparity has gotten out of hand.

In the wake of Katrina, in a speech in New Orleans, President Bush proclaimed:

> We should confront poverty with bold action.

We are just trying to raise the minimum wage for the first time in 9 years, and we can't even do that. We can have tax reductions for the wealthy on and on and on; they seem to be sacrosanct, untouchable; but we can't raise the minimum wage. The working poor have to do with $5.15 an hour. This is unconscionable. We have to do something about it.

Have Members of the Senate all joined the Neiman Marcus crowd? Have we become so totally insulated from the realities of real life for the people who work and shop at Wal-Mart and K-Mart, Dollar stores, who pinch their pennies, who go to the grocery store and spend the time looking for the best bargains, have we become so insulated from them that we can't see the need to raise the minimum wage from $5.15 an hour?

Poverty has doubled since the late 1970s among full-time, year-round workers from about 1.3 million to more than 2.6 million. Every day the minimum wage is not increased, it continues to lose value and workers fall further and further behind.

Here is what is happening today. That is why I say there is a misery index out there, a working class misery index. This shows it. Productivity keeps going up. People are working longer, working harder. They are producing more. Productivity is up 166 percent since 1960. Look what has happened to the real minimum wage. It is down 23 percent.

This is what the average person feels: My gas prices have gone up. My rent has gone up. I can never afford to send my kid to college. College tuition has gone up. Health care premiums are skyrocketing. I am working harder, longer. I am producing more, and I am getting less. That is what I call a working class misery index in America. And what have we done? We raised our salaries 7 times in the last 9 years. We have tax break after tax break after tax break for the privileged few in America.

Just a couple weeks ago there was an attempt on the floor to completely wipe out the estate tax, estate taxes paid by only 3 families out of every 1,000 in America. Three out of every 1,000 families pay any estate taxes. They are the wealthiest in our country. We had an amendment to the bill by the other side to completely eliminate it. Thankfully, we didn't do that.

But now when we want to raise the minimum wage just a paltry two dollars and something cents an hour, we can't do that? Where is the fairness? Where is the fairness for the American worker? No wonder the average American's esteem of Congress has gone down—along, I might add, with the President's, because the President is not up here asking for a minimum wage increase either.

No wonder people don't think we are doing anything. We raise our salaries 7 times in 9 years. We have tax breaks for the wealthy. We have tax breaks for big business. We want to do away with estate taxes for the wealthiest few. But we won't raise the minimum wage.

It all leads us to conclude that when it comes to the issues of poverty and the working poor, the American public should watch what we do, not what we say.

I will bet every Senator here can give wonderful talks about work, the value of work and more jobs and creating jobs and the economy is up and isn't everything wonderful. Yes, if you are a CEO, it is wonderful. If you are a CEO, it is pretty darn nice. If you are making $150,000, $160,000 a year, $170,000, as we are here, things are pretty nice. But if you are a minimum wage worker, things aren't very pretty. Things aren't pretty at all. You are not saving anything. You are barely able to scrape by. Your kids are probably not getting the best food and nutrition. They are probably not going to be able to manage to go to college. You don't have health care so you go to the emergency room when you get sick so you don't have any preventative care. Your kids are probably not getting the vaccinations and the checkups they need. They are probably not getting the dental care they need.

I am not talking about ''poor people living in poverty who aren't working.''

I am talking about poor people who go to work every single day. You see them. We all see them. We all see them. You go into stores and see the people working behind the counters. Check on the people who are working in day-care centers, people in Head Start centers, people cleaning houses, cleaning our office buildings. Yes, and a lot of people are working, flipping burgers and stuff like that, making the minimum wage. But they are the sole breadwinner of their family.

We see them every day and yet we pass by, we just pass on by. Let's not pass on by here. Let's stop and think, act accordingly, and reach down and say to those people who are working hard every day that it is time to give you a raise, too—not just corporate CEOs or Members of Congress, but let's give at least a $2.10 increase to the people who make the minimum wage. It will be good for American workers and for our economy. It is long overdue, and it is the right thing to do.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

AMENDMENT NO. 4376

Mr. ENZI. Mr. President, I send my amendment to the desk for the debate to be done in the morning.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk:

The Senator from Wyoming [Mr. ENZI] proposes an amendment numbered 4376.

Mr. ENZI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, my understanding is that we will have two amendments introduced by the other side with regard to Guantanamo. They will be debated tonight. We are going to work toward making certain they get a vote on those amendments. I ask my ranking member.

Mr. LEVIN. Mr. President, I thank the Senator from Virginia. We thank the Senator for his unvaried hospitality and good nature on these kinds of difficulties. We appreciate his determination to try to find the opportunity for a Guantanamo amendment or amendments. They are trying now, I believe, to figure out—I think it is going to be offered at 7 p.m. I guess they will be here to offer that amendment at 7 o'clock.

Mr. WARNER. Mr. President, in the interim, seeing no Senator desiring to address the Senate, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I want to speak, if I may, regarding a proposal by Senator BINGAMAN concerning Guantanamo Bay and the disposition of detainees. I understand he introduced an amendment yesterday. I have the summary of it. If I mischaracterize it or if it is changed in any way, I apologize. I will try to give an overview based on what I know, with the understanding that if it changed, I stand corrected.

Senator BINGAMAN, from what I understand, has an amendment that would require the United States to either charge, repatriate or release individuals held at Guantanamo Bay within 180 days of the enactment of the Defense authorization bill, and if for some reason the Government fails to comply within that timeframe, the Department of Defense would have to report back to Congress to tell us why. It provides further that charges could be filed in U.S. District Court, a military tribunal court or military commission or an international tribunal against detainees.

If I may, I will express my concerns about this amendment. No. 1, the detainees at Guantanamo Bay are being held as enemy combatants. That is a concept that has been part of our law for quite a while. The Supreme Court has several enemy combatant case holdings. That is someone who is involved in hostilities but not in the normal course of combat. They don't wear uniforms. They are not supported by a particular State. They are fighting, in this case, for a terrorism cause that doesn't have a country of origin. They are irregular combatants.

For many years in the military law, a regular combatant or enemy combatant has been considered a person outside of the protection of the Geneva Convention because that is an international treaty designed to protect lawful combatants and have procedures that every signatory country will abide by. A lawful combatant is someone who represents a State, wears a uniform, and operates within the rules of international military law.

Al-Qaida, by their very definition, because they don't wear uniforms and represent a particular country, are irregular enemy combatants. The people at Guantanamo Bay have been captured in various parts of the world by the U.S. military or were turned over to them as being suspected of being involved in the war on terror. There are 500-something people down there now; over 200 have been released. Senator BINGAMAN's amendment would require the Government to release them all or charge them.

The reason I believe that is not good public policy is because enemy combatants—you don't have to choose between trying them and letting them go. A prisoner of war is not required to be released until the hostilities are over. We have had Members of the Congress who were enemy prisoners during Vietnam and were incarcerated 5, 6 or 7 years, until the Vietnam war came to an end.

This amendment, in an odd way, would allow enemy combatants to be released before hostilities are over, which is something not afforded to a prisoner of war. But a traditional prisoner of war is not subject to being tried as a war criminal for the mere status of being involved with the opposing force.

I believe strongly that it is not advisable for this country to say as a matter of policy that every enemy combatant or unlawful combatant per se is a war criminal. Military trials or commissions should be conducted for people who are part of the enemy force who have violated the law of armed conflict. There are about 20-something people, I believe, facing military commission charges at Guantanamo Bay and haven't been tried yet because of Federal court proceedings affecting the outcome of the military commission status. This amendment would require the United States to make a choice that no other country has ever had to make: try them or let them go.

The truth is that some of them deserve to be tried as war criminals. Some of them deserve to be taken off the battlefield until they are no longer a threat to our country and our coalition forces. And to have to let them go or try them is a choice the country should not have to make.

Who is at Guantanamo Bay? There have been some high-profile stories about individuals who were sent there who may not have been involved in enemy combatant activities. Unfortunately, those things happen. You can get someone in your custody based on some bad information and, over time, find out you made a mistake. And 200-something people have been released under the current procedure. What is that procedure? The Geneva Convention says if there is a question as to whether a person is a POW, a prisoner of war, or an unlawful enemy combatant, the host country, the country in custody of that individual, must have a competent tribunal to make that decision.

As far as I know—and correct me if I am wrong—the decision as to whether a person is an enemy combatant is a military decision. We don't have civilian trials. The Geneva Convention doesn't require a civilian judicial determination to be made. The determination of whether you are a POW who is entitled to the Geneva Convention protection, an enemy combatant or an innocent individual, is left up to the military. I argue that that is the way it should be, with due process rights.

The problem with this war is that we don't know when it is going to be over because there will be no surrender ceremony. I am sensitive to that. I understand the Senator's concerns, and that is legitimate. The process at Guantanamo Bay now, as I understand it, is

when somebody is sent there, a combat status review tribunal will review their case, a military intelligence officer, and a military lawyer will look at the case and determine if the individual before them is an enemy combatant or meets the definition of an unlawful irregular enemy combatant. The host country where the person comes from can intervene on their behalf. Evidence is collected. They don't have a lawyer, but they have a representative. Every year, that person's status is reviewed. An annual review looks at whether the person still has intelligence value, whether they are a threat to the United States or has anything changed about their initial status determination.

Under an amendment passed that was authored by Senator LEVIN and myself, every Guantanamo Bay detainee now will have a chance to appeal their case to the Court of Appeals for the District of Columbia, and a Federal court of appeals at the District of Columbia will review the combat status review tribunal's action in that case to see if it was proper. So now we have civilian courts looking over the initial military determination. When it comes to military commissions and people being tried as war criminals, we have the presumption of innocence and the right to a lawyer, which is a very similar tribunal to international tribunals, very similar to the UCMJ but different in some regards.

So the idea that we need to let the prisoners go or try them all, I think it would be a very bad policy decision to make because some of them can be dangerous, can be a threat to our country if released or they could have intelligence value but don't fall within the definition of war criminal. To say that every enemy combatant is going to be tried as a war criminal is not good policy because you are beginning to change the way the rules have worked for a very long time.

We have had 200-something people released. About a dozen of them have gone back to the fight, unfortunately. So there have been mistakes at Guantanamo Bay by putting people in prison that were not properly classified. There have been mistakes about releasing people that we thought were not dangerous but turned out to be so.

I have a summary of statements made by individuals who have been released from Guantanamo Bay but went back to the fight. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SELECTED STATEMENTS FROM DETAINEES

Statements made by detainees provide valuable insights into the mindset of these terrorists and the continuing threat they pose to the United States and the rest of the world.

A detainee who has assaulted GTMO guards on numerous occasions and crafted a weapon in his cell, stated that he can either go back home and kill as many Americans as he possibly can, or he can leave here in a box; either way it's the same to him.

A detainee with ties to UBL, the Taliban, and Chechen mujahideen leadership figures told another detainee, ''Their day is coming. One day I will enjoy sucking their blood, although their blood is bitter, undrinkable . . .''

During an interview with U.S. military interrogators this same detainee then stated that he would lead his tribe in exacting revenge against the Saudi Arabian and U.S. governments. ''I will arrange for the kidnapping and execution of U.S. citizens living in Saudi Arabia. Small groups of four or five U.S. citizens will be kidnapped, held, and executed. They will have their heads cut off.''

After being informed of the Tribunal process, the detainee replied, ''Not only am I thinking about threatening the American public, but the whole world.''

A detainee who has been identified as a UBL bodyguard, stated, ''It would be okay for UBL to kill Jewish persons. There is no need to ask for forgiveness for killing a Jew. The Jewish people kill Muslims in Palestine so it's okay to kill Jews. Israel should not exist and be removed from Palestine.''

A detainee who has been identified as UBL's ''spiritual advisor'' and a relative of a fighter who attacked U.S. Marines on Failaka Island, Kuwait on October 8, 2002, stated, ''I pray everyday against the United States.'' This detainee repeatedly stated, ''The United States government is criminals.''

A detainee and self-confessed al Qaida member who produced an al Qaida recruitment video stated, ''. . . the people who died on 9/11/2001 were not innocent because they paid taxes and participated in the government that fosters repression of Palestinians.'' He also stated, ''. . . his group will shake up the U.S. and countries who follow the U.S.'' and that, ''it is not the quantity of power, but the quality of power, that will win in the end.''

A detainee who has assaulted GTMO guards on over 30 occasions, has made gestures of killing a guard and threatened to break a guard's arm.

* * * * * *

Mr. GRAHAM. Mr. President, one of them is Mullah Shazada who was released from Guantanamo Bay on May 8, 2003. He assumed control of Taliban operations in southern Afghanistan. His activities reported including the organization and execution of a jail break in Kandahar.

Abdullah Mahsud was released in 2004. He became the militant leader of the Mahsud tribe in southern Waziristan. We learned he had been associated with the Taliban since his teens and has been described as an al-Qaida facilitator. In mid-October 2004, he directed the kidnapping of two Chinese engineers in Pakistan. During a Pakistani rescue attempt, the kidnappers shot one of the hostages.

Mohammed Ismail was one of two juveniles held at Guantanamo Bay. He was released in 2004. During a press interview after his release, he thanked the United States for providing him education opportunities in Guantanamo Bay and stated he would look for work after visiting his relatives. He was recaptured 4 months later in May 2004 participating in an attack on U.S. forces near Kandahar. At the time of his recapture, Ismail carried a letter confirming his status as a Taliban member in good standing.

Abdul Rahman Noor, after being released in July 2003, has participated in hostile actions against U.S. forces near Kandahar. He was later identified as the person in a 2001 al-Jazerra interview described a mujhadeen defensive position claiming to have downed an airplane.

The reason I mention these individuals is that mistakes have been made in letting people go. Once the military tribunal reviewed these individual cases, they made a determination the person was no longer a danger to the United States and possessed no additional intelligence value. They were wrong.

These people and several others went back to the fight, and at least one of the people involved killed an American medic.

The process we have at Guantanamo Bay is reform in a manner that I think is consistent with American values. This body, in an overwhelming vote, indicated to the Department of Defense that their interrogation techniques needed to be standardized and put in the Army Field Manual. That is a work in process.

This body, in an overwhelming vote, gave every detainee at Guantanamo Bay a right to petition their status to Federal court for Federal court review.

We have due process rights in place for detainees at Guantanamo Bay that I think are unprecedented in the rules of armed conflict and are based on the fact that this is a war without a definable end.

But the amendment before us by my good friend from New Mexico would require this country to release the detainees en masse or repatriate them or charge them. The problem with repatriation is that one of the problems with closing Guantanamo Bay is, where do we put these people?

We have had case after case where the detainee was eligible to be released but did not want to go back to their host country for fear of reprisal. The idea that we can take the 460 prisoners and open the gates of the prison and say, Go back, is going to be a problem because a lot of them have no place to go or won't be taken back.

Another problem is that if we release these people en masse, some of them will become our worst nightmare. Information about statements made by detainees—I have another document here, where they openly avow a desire to get back into the fight and to kill Americans and to continue the war on terrorism.

Simply stated, the people at Guantanamo Bay, in my opinion, are people who need to be looked at every year in terms of their status and whether they have intelligence value and whether they present a danger. And that decision can be reviewed by civilian authorities.

They are not people for whom we should open the door and say, Leave or be charged, because the truth of the matter is that there are people down

there who are enemy combatants who have not engaged in conduct that would fit a traditional definition of a war crime.

I just don't think we need to make that choice. We need to make sure that every detainee has adequately been processed, that our country is accountable for their treatment, that our country is accountable for their legal status, and that we have a way to prove to the world and to our own public that the detainees are being confined within the rules of armed conflict and treated properly.

This amendment would set in motion, I believe, forces that would come back to haunt us. Mr. President, I say to my good friend from New Mexico, I understand his concerns about Guantanamo Bay and the image problems that it has created, but I would argue that the reforms in which we have engaged have been real. We are not getting much credit for those reforms, but we are just going to have to understand as a nation that every critic of this country's policy doesn't have to make the decisions we do.

The criticism coming from abroad about Guantanamo Bay is part of democracies being able to speak openly, but they are not coming to South Carolina. If we let them go, they are not coming to South Carolina. I will do everything I can to keep these people from coming into my home State. And I doubt we want them to go to Mexico, and I doubt they are going to go to Connecticut.

I do not want to intermingle them with our military prison population because these people represent the hardest of the hard.

I hope we can reform Guantanamo Bay and that one day it will be closed because the needs of the war on terrorism have been met. And I do hope that those who are war criminals in the truest fashion will be tried at Guantanamo Bay by military commission and those who are not war criminals will be held until they are no longer a danger. I do not believe it is advisable for this country to make a choice as a nation that no other nation has ever had to make before, and that is turning loose someone who is caught on a battlefield engaged in hostilities against our own people or try them all as war criminals. That has never happened before, and it shouldn't happen here.

I yield the floor.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, we now have an agreement for a couple of votes in the morning relative to the minimum wage amendments which have been discussed this afternoon. Tomorrow we will also proceed to debate the Iraq-related amendments offered by Senator LEVIN and Senator KERRY.

Mr. President, at this point, on behalf of the leader, I am prepared to send a cloture motion to the desk, but I do want to make the following point before sending the cloture motion to the desk. This does not—I repeat, does not—preclude us from working toward further agreement to set up votes on these amendments prior to cloture. In fact, we anticipate having votes on both of those amendments prior to cloture. We are looking forward to the debate on both amendments.

Almost everyone on this side is interested in speaking to the appropriateness of adopting those amendments, and, as I said, we do not intend for cloture to shut out in any way votes on the Kerry and Levin amendments.

CLOTURE MOTION

Having said that, Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 2766, the National Defense Authorization Act for Fiscal Year 2007.

Bill Frist, John Warner, John E. Sununu, Jim Bunning, George Allen, Lamar Alexander, Craig Thomas, Kay Bailey Hutchison, Chuck Hagel, Ted Stevens, Judd Gregg, Robert F. Bennett, Thad Cochran, Pat Roberts, Pete Domenici, Jim Inhofe, Jeff Sessions.

Mr. MCCONNELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I wish to speak briefly in response to the comments of my colleague and friend from South Carolina, Senator GRAHAM, about the amendment which I intend to offer at an appropriate time on the Defense authorization bill.

I say, in all respect to the Senator from South Carolina, he has totally misread the amendment. He has totally mischaracterized it. This amendment does not, as he said, require the Government to either release everyone at Guantanamo or charge those individuals.

It is very clear in the amendment. It starts out by saying, ''Except as provided in subsection (b),'' and then it goes on to say:

Not later than 180 days after the date of enactment of the law, an alien who is detained by the Secretary of Defense shall, consistent with applicable law, be charged or repatriated or released.

But then obviously the exception is what we start out with there. It says the exception under paragraph (b) is that with respect to an alien described in the first section, subsection (a), who is not charged or repatriated or released within this 180 days, the Secretary of Defense shall submit to the appropriate committees of the Congress a detailed report as to each such alien that includes, and then it specifies the information that needs to be included.

Essentially, it says the Department of Defense shall go ahead and charge these individuals with criminal activity or it shall repatriate them to their home country, an appropriate country, or it shall release them, or it shall give us a report and explain what its plans are with regard to these individuals and why it is not taking one of the previous actions. That is not the characterization or the description that the Senator from South Carolina just went through.

This amendment does not require that any enemy combatant be released. It is clear in its language that it does not require that. It does not require the release of people ''en masse,'' which was the language the Senator from South Carolina used. It does not require us to release people who are then believed to have the motivation of getting, as the Senator from South Carolina said, back into the fight.

This does not in any way restrict what the Department of Defense does. It just says the Department of Defense has various options, but we are going to begin to understand what action the Department of Defense is taking with these individuals.

It can charge them with a crime, it can repatriate them to their home country, it can release them, or it can tell us, the Congress, the appropriate committees of the Congress, what it intends to do and what action and what factors cause it to not want to take one of those previous actions. That is a very straightforward amendment.

I think anyone who is opposed to that amendment basically says we, the Congress, have no responsibility for oversight, the appropriate committees of the Congress have no responsibility to concern themselves with what is being done with these prisoners at Guantanamo, and I think that is a very unfortunate message for us to send.

The amendment goes on to provide that in the report to the appropriate committees of the Congress, if the Department of Defense wishes to submit part or all of that in classified form, it can do so. To the extent it is not required to be in classified form, it would, of course, be a public report.

This is a very modest amendment. In fact, the criticism I have heard from people who have generally been aware that I might offer this amendment is: Why does this amendment give the Department of Defense an out? It says with regard to each of these individuals, either charge them with a crime, repatriate them, release them, or tell us what your other plan is, if you have some other plan that you believe is required under the circumstance. That is the very least that this Congress should be doing with regard to these individuals.

I, frankly, do not want to ask this Congress to resolve the question of the legality of what is going on at Guantanamo. Some of that is being determined in the courts, as it should be determined in the courts. But, clearly,

this Congress has some oversight responsibility. This Congress should be insisting that the Department of Defense specify what action it intends to take, go ahead with whatever action it intends to take in the next 180 days, and at the end of that time report to the Congress as to any detainee for whom it does not intend to go ahead or for whom it has not gone ahead and brought charges against or decided to repatriate or decided to release.

So let me just stop with that. I am glad to discuss the amendment further, but I know that my colleague from Connecticut who has a separate amendment dealing with Guantanamo wishes to speak and describe his amendment, and I also see that my colleague from Alabama is on the Senate floor and wishes to speak perhaps on the same issue as well.

So, Mr. President, at this point I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I have been to Guantanamo twice, and I have seen the work of our military personnel, the good morale they have under difficult conditions, their determination to provide every decent and right request and treatment to the prisoners who are there. I have seen areas where they are detained, the religious freedom that they give them, including a Koran and prayer rugs and things that they have requested, the exercise that they obtain. It is, I believe, in all respects a very fine prison that treats people in a decent way.

But as the Senator from South Carolina noted, these individuals are prisoners of war, and prisoners of war are not given trials. In the history of the United States of America, we do not give prisoners of war trials. They are detained until the conflict is over.

What about those who have gone beyond just being a combatant against the United States but have become an unlawful combatant, violating all the rules of warfare and are therefore apprehended and detained? Should they be given more rights than a properly uniformed and properly lawful combatant is given who is detained by an enemy? I think not. I would suggest these are matters that are within the parameters of the U.S. military to handle. They have no desire to maintain a single prisoner any longer than they have to. They have released several hundred already, and 15 of those have been rearrested on the battlefield where they are presumably attempting to fight the United States of America and our soldiers and our allies around the world.

So I would say to my colleagues, these are not academic questions. They are matters of real life and death and must be carefully thought through. Under the circumstances we are now dealing with regarding prisoners in Guantanamo, we don't need to micromanage the military. I would agree with Senator BINGAMAN that his amendment at first glance says that they must be charged with a crime, filed in an appropriate Federal district court of the United States or a military tribunal or an international criminal tribunal or repatriated to the country of origin or some other country. That is a mandate. The amendment goes on to say: But with respect to those who are not so charged, the Department of Defense must submit a report saying why they haven't been charged and when they will be handled in this matter. So I think in conflict, as Senator GRAHAM has detailed, it goes to the historic manner by which any nation, and in particular the United States, handles prisoners of war.

Again, I have seen the conduct at Guantanamo. I think it is an appropriate facility considering the danger that these individuals pose. It is an appropriate location. It makes it very difficult for them to break free and kill other people. The Department of Defense actually is continuing to improve it. They give the prisoners first-rate meals, first-rate medical care. Until the three suicides we saw recently, not a single prisoner had died in Guantanamo of any kind of causes, natural or otherwise.

So I believe this amendment is not necessary. I think it would have the effect of restricting the power of the executive branch to carry out this war on terrorism and manage the military's treatment of prisoners. The Department of Defense wants to get rid of them. They have tried to repatriate numbers of them. But some of them are just dangerous and must be detained.

I would ask, how would a prosecutor prove a case? Some would say we will just give them a trial. What if they were captured in the mountains of Afghanistan and maybe the soldier who captured them was later killed, or maybe he was reassigned to Korea or some other place? It is not so easy to have trials of prisoners of war, and that is why it has never been done and why I think the amendment, which is carefully drafted and attempts to avoid some of the worst criticisms that might be made of it, is, nevertheless, a step too far, and I believe we should reject it.

I just want to point out a number of things that are important about how careful our military is, unlike what happens when American military prisoners are captured, apparently, as we saw today, the horror of being captured, tortured and killed by the al-Qaida forces in Iraq, who are just brutal in their treatment of American prisoners. We give the prisoners at Guantanamo a combatant status review tribunal—a tribunal consisting of three people, the Department of Defense Combatant Status Review Tribunal process pursuant to a Supreme Court plurality opinion in Hamdi. Hamdi dealt with due process for American citizens. The process created was applied to all foreign nationals detained at Guantanamo and went beyond the process referred to by the Supreme Court of the United States. It went beyond that.

The Combatant Status Review Tribunal provides a venue for detainees to personally challenge their status as enemy combatants. They were given that opportunity. As of January 22, 2005, the Department of Defense had completed 558 CSRTs. Of the 558 hearings that were conducted, the enemy combatant status of 520 detainees was confirmed, and 38 detainees were found to be no longer meeting the criteria to be designated as enemy combatants.

The Administrative Review Board is another process the Department of Defense has implemented. This administrative review process makes an annual assessment of whether there is continued reason to believe that the enemy combatant poses a threat to the United States or its allies, or whether there are factors bearing upon the need or the continued detention, including the enemy combatant's intelligence value, in the global war on terror. That is what this board does every year for every prisoner.

Based on this assessment, the Administrative Review Board can recommend that individuals should be released or should be transferred with conditions or should continue to be detained. Allowing detained enemy fighters to be heard and potentially released or transferred while hostilities are ongoing, as they are this very minute in Iraq and Afghanistan, is a historic and unprecedented step. We have never done that before in war.

The first year, the Administrative Review Board resulted in 330 continue-to-detain decisions, 119 transfer decisions, and 14 release decisions. So these are not rubber stamps. The Department of Defense is attempting to move people out, to transfer them, or release the people they can justify releasing. But remember, 15 of those former prisoners at Guantanamo, who have been released, have later been detained and captured on the battlefield seeking to fight America.

The second year of the Administrative Review Board process, in this annual process, resulted thus far in 12 continue-to-detain decisions, 6 transfer decisions, and no release decisions. That is as of June 20 of this year.

So the Department of Defense has created a system that goes beyond what this Nation has ever utilized in time of war to deal with an attempt to release persons who have been captured as prisoners of war fighting the United States of America. They didn't do that for German prisoners. They didn't do it for Japanese prisoners. They didn't do it for North Korean prisoners. They didn't do it for Vietnamese prisoners. These are unprecedented steps. I think it is more than is required, but it is a generous step for the United States to take, and I certainly support that.

Mr. President, as of May of 2006, 287 detainees have departed Guantanamo,

192 have been released, 95 have been transferred to other governments, including Albania, Afghanistan, Australia, Bahrain, Belgium, Denmark, France, Great Britain, Kuwait, Morocco, Pakistan, Russia, Saudi Arabia, Spain, Sweden, and Uganda. We would like to release them all, if we could.

But the President of the United States took an oath to protect the people of the United States from attack by enemies. If he releases prisoners who we believe will have any reasonable basis to continue to attempt to kill American citizens or American soldiers, he is derelict in his duty. This is not some game he is playing. This is not some academic process that the generals who are supervising this are involved in or the Administrative Review Board members or the Combatant Status Review Tribunals are dealing with. They can't make a mistake. If they make a mistake, somebody could die.

I know the operations at Guantanamo have raised complaints from some of our allies, specifically a complaint from one British official. I am so proud of the support the British government and population has shown to the United States, but I have to tell you, I don't know what the man expected us to do. Did he want us to release all 500 of them? Is that what he would want? Is that what the other people on our editorial boards like to write about? We should just release them? Well, maybe Great Britain would like to take them. Maybe the United Kingdom would like to take them and house them in their jails. Would they really? Would they release them? Would they want to release them on their subways or on their buses or on their trains in London?

Three prisoners just committed suicide last week at Guantanamo, and amazingly, we had newspapers in this great Nation that purport to be wise and thoughtful pandering to those seeking to close Guantanamo by suggesting that they are somehow killing themselves because they are depressed.

One of these was an active member of the Taliban forces who fought against the United States. One was a recognized leader in al-Qaida—they are from Yemen and Saudi Arabia and other places. I believe two were from Saudi Arabia and one was from Yemen. Do we want to release prisoners like these?

They hanged themselves. I suggest, with all sincerity, that these three prisoners did not commit suicide together, the same day, because they got depressed over mistreatment. Most of them have gained weight and have been well treated, well fed, and given superb medical care. That is not why they committed suicide. They committed suicide as a continuation of their commitment to jihad and to prepare to commit suicide to further jihad.

If they had a bomb with which they could have blown themselves up and others, Americans or other people, they would have done that. They absolutely would have done that. But because they were in our custody and couldn't get hold of a bomb and wrap it around their body and kill men, women and children on buses or trains or something like that. The only thing they could do was kill themselves in hopes they would have editorials around the world, editorials in New York City and Washington, DC, have Senators and Congressmen on the floor of the House and the Senate saying how badly we are treating these prisoners of war, these unlawful combatants, and suggesting they all ought to be turned loose and how this is America's fault.

The fact that these three prisoners, clearly terrorists, committed suicide the same day is absolute proof that they were threats to innocent people and to the United States of America. It is proof that they had that threat capability. If they had been released, do you think they would have just gone nicely back home to work a job in Yemen or work on a pipeline in Saudi Arabia? No, they are committed jihadists. They are terrorists. That is why they were in Guantanamo. I am glad they hadn't been released like some of the others and I am glad that those like them are still being detained there. They are not entitled to trial.

I don't know what we will do with Guantanamo. The President said he would like to close it. I guess it would make some people happy around the world. Maybe they would get off his back. But somebody has to do something with them. I will tell you one thing, we can't release them all. Do we release them any better if they are brought back to the United States? Do we release them any better if we take them over to London or Madrid? I submit not. We have them in a safe place. They are being well taken care of. We have invested a lot of the taxpayers' money in making that facility at Guantanamo a good facility, a safe facility. I don't know why we would want to move them, other than just to make people feel better and stop fussing.

But we are going to continue to apprehend people. When we went out after the bombing of Zarqawi and did these raids in 17 different spots and they arrested quite a number of people, what are they going to do with them? Turn them loose?

When I was in Iraq recently, I heard about two brothers who were known bomb makers. Can you imagine someone a greater target of the United States military than a skilled bomb maker who is making bombs that kill American soldiers on a regular basis? They caught them and they thought they had enough proof. But the military decided they didn't. Or the court or somebody did, and they turned them loose.

I am telling you, those military personnel and the civilians that worked with them to help build that case and to identify these bombers were really heartbroken. It was very painful for them to have to release somebody whom they believed had been responsible for killing innocent civilians in Iraq and American soldiers. But we didn't have enough proof, apparently, and we let them go.

We don't need to keep pushing the military, pushing that you have to have proof beyond a reasonable doubt like you have to before you can lock up an American citizen—let's not put that kind of burden on our military.

I think this Guantanamo matter is greatly overblown. We fail to realize just how dangerous some of the prisoners are. Hopefully, we can sift through them and find some more who are not dangerous and they can be released. Hopefully, we can send them back to foreign countries. But you know, when you send them back to a foreign country, things don't always work out right. You turn around and 6 months later, 2 years later, they are released. Or sometimes we have Members of the Senate who have made speeches and complained because, if we send them back to their home countries, the home countries realize they are terrorists, maybe even applied those tactics against their country, and they mistreat them. Now we are blamed for some treatment by a foreign government where we sent these prisoners.

We were aggressive in interviewing prisoners at the outset of opening Guantanamo. We had a very good briefing last time I was there where the people said they really reduced the intensity of interrogations. In the weeks and days following September 11 when we thought and had every reason to believe that there were cells probably operating all over this country, the military and our intelligence people were aggressive in asking questions of them and pursuing interrogations. They did not torture them. I do not believe there has been a single allegation that has been substantiated of any torture at Guantanamo. But people took it farther and said the military was too harsh with these prisoners. So for a whole lot of reasons we don't pursue those tactics as strongly today.

The standards are very lax in that regard—or strong in the sense that prisoners are not stressed and not abused in any way as they are being interrogated. In fact, just the opposite is the case. Occasionally, it is odd, after time goes by, somebody begins to talk. Some people never talk.

I appreciate the interest of my colleagues in wanting to run the cleanest prison system we possibly can, to comply with the highest ideals of the United States. I believe if they went there and examined what was going on they would conclude, with me, that the prisoners are being treated well, that they are being given every help and dietary and religious values that they need. We should continue to do that.

Sometime in the future we will have to wrestle with how we are going to handle them and maybe we can continue to repatriate them to the countries of origin. Maybe some actually

ought to be tried and executed. Others simply need to be detained until the war is over. That is just the way it is, and that is the way it has always been.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I appreciate the comments of others about Guantanamo Bay and the individuals who are being held here. I listened to the discussion earlier between the Senator from South Carolina, Mr. GRAHAM, and my colleague from New Mexico, Senator BINGAMAN, and Senator SESSIONS from Alabama, who discussed the issue of those who are being detained in Guantanamo and the very facility itself.

I had thought about offering an amendment on this matter, but it is getting confusing, with the number of amendments being offered tomorrow and the length of debate. Senator BINGAMAN is offering an amendment which I think is worthy of consideration. I may withhold the amendment I intended to offer until a later time, on another matter, when there is more of an opportunity to have debate. There is at best only a limited amount of time we may get tomorrow for discussion. I have been told I might have only a few minutes.

I regret that. I wish we had more time to offer this amendment. But I think in the interests of my colleagues here, given the seriousness of the issue, it probably deserves more time. So, I will reserve offering that amendment until another time when we have more of an opportunity to discuss it.

Let me, if I can, discuss some issues that have been raised here this evening that I think are important. I have listened to my colleagues talk about, first of all, the individuals being held in Guantanamo. We talk about people here, some of whom clearly have the very worst intentions for the United States. Some of these individuals have attacked our soldiers, attacked innocent citizens, and pose serious threats. There is no debate about that. We are not arguing about whether or not that is true for many of these people.

There may, obviously, be some exceptions that fall out of that category—individuals who have been improperly retained or restrained and sent to Guantanamo or elsewhere. That certainly may be the case. But there is no question that many of these individuals are people to worry about. That is not the issue.

The issue is: We are a nation of laws. We say this all the time. It is something about which we take great pride. We have celebrated it over and over again. It is one of the distinguishing features of this great country of ours. We proved that we are a nation of laws categorically 60 years ago this very year when, in a different set of circumstances, the United States, along with our allies, some of whom reluctantly joined us in this effort, held a series of trials in a place called Nuremberg. We made the decision at Nuremberg that the defendants in those trials—these thugs, these people who had murdered 11 million innocents, 6 million Jews because of their religion, not to mention the millions more who lost their lives as a result of the Nazi war effort—would be afforded a trial instead of just being summarily executed. Winston Churchill advocated summary execution, and many others did as well. Why would you possibly give these defendants, it was asked—these thugs that I have mentioned, who carried out the orders of Adolph Hitler—why would you give them a trial? Why would they get a lawyer? Why would they be allowed to present evidence in a court of law?

It was the conclusion of the United States, under the leadership of people like Justice Robert Jackson, that the rule of law should be paramount. Justice Jackson and others argued very strongly that it was going to be critically important that the United States and others join in showing the world that there is a difference between these fascists—who had summarily executed people merely because of their ethnicity or religion—and this great country of ours.

In fact, Nuremberg was an interesting choice for the venue of those trials. In a sense, the Nazis chose Nuremberg. The Nuremberg Laws created a legal justification for every atrocity they committed, and so having a trial at Nuremberg, trying the very people who perpetrated these crimes, was somehow a fitting coincidence.

I speak about this because as a child growing up I heard night after night my father, who was the Executive Trial Counsel under Robert Jackson at Nuremberg, speak of these days. I was 1 year old in the summer of 1945 when my father left for a few short weeks merely to be an interrogator of these defendants at Nuremberg. He ended up replacing Judge Story as Executive Trial Counsel under Robert Jackson, and spent a year and a half trying a number of defendants at Nuremberg. He wrote my mother every single day 15 to 20-page letters describing in great detail his views and thoughts about the defendants and our allies in that effort, the Russians, the British, the French. He had some choice thoughts about a number of those people who were at Nuremberg. And he talked to his children growing up over the years about what happened at Nuremberg.

There was a great debate. In fact, half of the Supreme Court argued against Robert Jackson even going. There were colleagues here who argued that it was ex post facto juris prudence—that we had no right to go back and create a body of law to try the defendants at Nuremberg.

My father and others argued strenuously that the natural law should require that individuals who had committed such crimes—who had committed summary executions based on religion or ethnicity—that these people should be taken to task for what they had done, but also, critically, be afforded rights—the right to a fair trial, the right to have legal representation.

Imagine—people like Goering and von Ribbentrop and Keitel and Speer and others—actually be given a lawyer to represent them in a trial, so that they could stand up and make a case for themselves, as Goering did for days on end at Nuremberg.

Obviously, the facts are different here. At Nuremberg, the war was over. There was a different set of circumstances. I would be the first to acknowledge it.

That is not the comparison I am trying to draw. The comparison I am trying to draw here is about the rule of law.

We can characterize these individuals at Guantanamo in words that none of us are going to terribly argue about. But I come back to the point that those who were at Nuremberg, who made the case for the trial such as I described, need to be heard again today, 60 years later.

We are a nation of laws. We are different. We are not like these people who are being held at Guantanamo. The rule of law is something we cherish in this country, even to the point where we are willing to stand up and defend the rights of people who do things we find abhorrent.

Whenever I talk to students about the Bill of Rights and the first amendment, I tell them that it doesn't just protect their rights when they say something I agree with. It is important also to protect those individuals who stand up and say something I totally disagree with or find obnoxious, to put it mildly.

That is the rule of law. That is what makes us different. That is what distinguishes us.

What has happened already is that there is confusion. Are these prisoners of war? If they are, obviously the Geneva Conventions prevail. If they are not prisoners of war but enemy combatants, the Supreme Court has ruled already that they have certain rights, that they have a right to appeal that status. Yet, we find that a substantial number of these people are being held without any definition of who they are, what their status is legally, whether or not they are POWs, enemy combatants, or something else.

When Senator BINGAMAN offers his language here to get some clarity, why is that important? I think it is important because we are, again, a nation of laws. We determine that people ought to be given one status or another. We need some clarity as to who these individuals are and how they are going to be dealt with.

Why do I say that? First, because we ought to care, particularly in this a

body, the U.S. Senate, that the rule of law is defended. But second, and not unimportant, is the question of how we are being perceived in the fight against terrorism—something that requires international cooperation. It is critically important that the United States not only lead on this issue but that other nations around the world and their citizenry following us, join us, if you will, in this effort.

Today, as I speak about this issue—unfortunate symbols are important. Guantanamo has become a symbol of things that have gone wrong without clarity, without definition, and that lack of clarity is hurting our cause.

As we try to build a coalition, it is crucial that we win support for what we are trying to achieve. Without allies in this effort, we will never ever win this war on terrorism. It is a transnational problem that insists upon a transnational response.

It is critically important that we understand the necessity of building the kind of relationships that are going to be absolutely critical if we are going to succeed in this effort, as I believe we must. We have no choice but to succeed in this effort.

But to disregard the feelings or sentiments of others on whom we must support and depend in the future, if we are going to succeed in this effort, is something that ought not to be lost on the membership of this institution.

I am deeply concerned about the direction we are heading here, one that is lacking clarity, any clarity at all, in dealing with these individuals that are being held. What is their status? Is it one thing or do we need a determination of that.

The administration I think bears the responsibility to come forward and say what the status is. Just saying we are going to hold people without some clarity is not good enough. If you want to hold them, fine. Decide what they are. Are they prisoners of war? If they are, then that is one set of circumstances. If they are not prisoners of war but enemy combatants, that is a different set of criteria that applies. But the rule of law must apply.

The criticism we are receiving here is that again we just do not have any definition. This ought not be an issue that divides us and people trying to inflame the passions of others: Who cares more about terrorism or who is willing to stand up and fight against terrorism more than anyone else. That is not the issue. The issue is the rule of law which joins people of different political persuasions but of like mind about insisting that the rule of law be applied. That has never divided us. When we move that important criteria, that important definition of who we are as Americans—the rule of law—and engage in this sort of demagogic debate about who cares more about terrorism, or you don't care about terrorism at all, if you are only willing to talk about the rule of law, that somehow makes you weak on this issue, that you lack the kind of conviction and spine when it comes to dealing with terrorists because you start talking about the rule of law, how strong an American are you, if you only get up and talk about the rule of law?

We have all learned painfully when you begin to disregard the rule of law because you don't like the individuals that you want to apply it to, it comes back to hurt all of us.

Those who made the case more than 50 years ago at another place in another set of circumstances but facing the same criticism—the emotional response was certainly warranted. The Nazis brutalized people, incinerated millions, and certainly lit passions that said, Why would you ever give that kind of individual a lawyer and a right to present a case? And you can understand the emotions that people felt at the time—to give them the right to present a case? Did they ever give any of their victims a right to present a case in the incinerators of Buchenwald or Dachau? They never did. Why should we do it now?

Because people stood up and said we are different than they are. That is why we insist upon the rule of law.

Today, we need to remind ourselves—conservative, liberals, centrists—who we are. The rule of law unites us. It ought not divide us when we have these debates and discussions.

Guantanamo has unfortunately become a symbol of things that need to change.

The President himself, to his credit, a week or so ago in a press conference on June 14, acknowledged that fact. He said:

> No question, Guantanamo sends . . . a signal to some of our friends . . . provides an excuse, for example, to say, ''The United States is not upholding the values that they're trying to encourage other countries to adhere to.'' He also stated clearly that he ''would like to close Guantanamo.''

That was the President of the United States. I am not making a case on my own. He recognizes what is happening with the symbol of Guantanamo, and how difficult it is to build the kind of relationships that are critical if we are going to succeed as we must in this war against terrorism.

I am not going to be offering an amendment. I think there is not adequate time to debate and discuss these things at this late hour in the evening. But I will find an opportunity at the appropriate time to raise the issue.

I hope we can build a broad, bipartisan consensus on these points. We ought not have division over the rule of law; to get clarification about how we talk about POWs, enemy combatants, and what the status of these people is because different sets of rules apply. Having no status at all and not fitting into one category or another is something that ought to be unacceptable to all of us.

I think having a facility that has become the symbol of something which none of us believe we stand for—we know we stand for the rule of law, we know we believe in that, and we embrace it—is raising serious reservations and concerns among people who ought to be joining us in this effort. If that is the case, as General McCaffrey said in talking about Guantanamo, close it down. He said he would like to close it down, and others believe as well that we ought to find other venues to deal with these issues as well as, of course, determining the legal status of these individuals so we can move on and again build the kind of coalitions necessary to have a successful coalition to fight the war on terrorism.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I appreciate the eloquent remarks of my colleague and his sharing of insight into Nuremberg and a number of thoughts that he shared with us about the rule of law, which I think is very important.

I note that at Nuremberg they tried and executed quite a number of people who conducted their war unfairly, in an unlawful way and went beyond being prisoners of war. They were, in fact, tried for crimes that they had committed.

I also say to my colleague with great sincerity that we are respecting the rule of law. These individuals that are caught and held at Guantanamo, some may qualify as a prisoner of war, many do not. They are what I have called—others used enemy combatants—unlawful combatants because they were carrying out combat in an unlawful way. They did not carry arms openly. They did not wear a uniform. They moved surreptitiously. They killed randomly women, children—actions that deny them the status of a lawful combatant and a prisoner of war. They are then held, if nothing else, certainly with legal protection because the Geneva Conventions cover people who are lawful combatants, who wage war for legitimate nations in a legitimate way.

Mr. DODD. Mr. President, if the Senator will yield, it is an interesting point. Going back, there was a body of law that had emerged prior to Nuremberg that, in fact, those who advocated that there should be a trial at Nuremberg relied on a point. But one of the great crimes that was argued against was crimes against humanity at Nuremberg. Many argued that this was sort of making it out of whole cloth. I don't think it was. But that was debated at the time.

The people who my colleague described as committing crimes against humanity, it clearly seems that those who were not enemy combatants in the

traditional definition of that word but engaged in the kind of brutality against humanity, today there is a codified body of laws that would certainly make those people subject to international law let alone our own kind of crimes.

The point I am trying to make is, it just gives it some clarity. What are they? What is the legal status in that category? If you are a POW, there is one set of laws that apply. If you are an enemy combatant, there is a set of laws and regulations that apply. If you are a non-enemy combatant and have engaged in the very activities my colleague described, what is the law that applies to those individuals under those circumstances? There is no status at all being attributed to these people. They are in limbo. That is what I am concerned about.

Mr. SESSIONS. Mr. President, I certainly respect the Senator's thoughts about that. I must follow up a little bit.

First, what happened at Nuremberg happened after the war was over.

Mr. DODD. I agree.

Mr. SESSIONS. We held German prisoners in the northern campus of the University of Alabama where I lived when I was in law school. They had German prisoners there during World War II.

But what I want to try to reassure my colleague about is that we do have a proper procedure that is ongoing. For example, we have defined these as combatants. We give them a combatant status review tribunal when they come in. They are reviewed in that fashion. They have a three-judge panel. They actually go beyond the requirements that the U.S. Supreme Court said in the Hamdi case.

In addition to that, they created an Administrative Review Board that, on an annual basis, must make an assessment of whether there is continued reason to believe that the enemy combatant poses a threat to the United States or its allies, or whether there are other factors bearing upon the need for the kind of detention, including its enemy combatant intelligence value in the gulf war on terrorism.

For example, in the first year of those Administrative Review Board hearings, there were 330 decisions to continue to detain the prisoners, 119 decisions to transfer them to other jurisdictions, other countries perhaps, or possibly other countries, and 14 release decisions. This second year, to date, the review board had 12 findings of continued to detain, 6 transfers, and no release decisions.

At least there is a procedure. In response to criticisms in the Congress, around the word, in response to the Supreme Court decision, they have taken it carefully because the military is proud of its standards. The military wants to do this right. But they have a responsibility not to release those who should not be released as they continue to pose a threat to the security of our Nation.

Mr. DODD. If my friend will yield further, I am sure he is a good lawyer. In the Rasul v. Bush case in 2004, of course, the Supreme Court ruled ''a state of war is not a blank check for the President,'' and ''enemy combatants have the right to challenge their detention before a judge or other neutral decisionmaker.''

That took a court case basically going to the highest Court of our land—I don't know what the ruling was, 5 to 4 or 6 to 3—and they ruled in that case enemy that combatants have a judicial right to challenge their status.

All I am saying, I am not trying to determine the outcome, just what is the status for the people to be detained or moved other places.

Our highest Court has said it is not a blank check, that they have a right to make a case. I don't want to be seen as perceiving—because I am saying they have a right to make a case, do I like these people? Am I trying to befriend them? I am saying the rule of law has to apply.

We are different. That is what makes us different from these people. These people would never give their victims a right to a judicial system proceeding as they engage in the kind of activity my colleague from Alabama properly described.

What makes my colleague from Alabama, and I hope myself and our colleagues, different is this very point the Supreme Court made. Even these enemy combatants have the right to make a case before a judge or other ''neutral decisionmaker,'' that the state of war is not a blank check for the President. That is the point I am trying to make. I am not trying to characterize the people in any other way than what my colleague has described.

The point the Senator and I need to come together on is the rule of law. That is all I am trying to suggest. I don't have an amendment to offer, but we have to find this common ground on this issue because it is who we are. It is what we want the world to know and appreciate what the United States is. That is really what did so much for us in the wake of World War II where we became this symbol of nations that rise above their passions and their emotions.

He is absolutely right on Nuremberg. Several people got limited sentences, some got off, and many got executed, as they should have, but it went through a legal process. To read those transcripts, where people went on and talked as Goering—I am tempted to draw the comparison of Goering to Saddam Hussein, who talks endlessly. Goering did almost the same, and there was concern by some that he might have gotten away had it not been for a very aggressive prosecution.

It was the rule of law, and how proud these people were that showed the world—and the United States led—we were different.

The fact situations are very different between the end of a conflict and an ongoing conflict and how you deal with it, but the rule of law does deserve stronger support than I am afraid we are giving. That is my concern.

Mr. SESSIONS. I thank the Senator.

I believe care has been taken to comply with the Supreme Court cases. The Department of Defense has gotten the system in a way that has a combatant status review tribunal and an administrative review board, and there have been multiple hearings. The Department is giving these prisoners—whether they are prisoners of war, lawful or unlawful combatants who are being detained—the rights to which they are entitled. I really do believe they have.

That is the only concern I have about the perception that might be out there, even around the world, that we are acting outside the rule of law. I do not believe that is so.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CELEBRATE WEST VIRGINIA

Mr. BYRD. Mr. President, on June 20, 1863, a new State was added to the Union. Today, 143 years later, we celebrate the birthday of West Virginia. I am always happy to have an excuse to share my love for West Virginia with the rest of the Nation.

The story of West Virginia is unique and fascinating, a one-of-a-kind juxtaposition of geography, history, and politics. It is a story as interesting as the State is beautiful.

The steeply folded mountain ridges that define the southern edge of the State, and her rich mineral and natural treasures that more than made up for her paucity of flat agricultural terrain, defined her early years and set her apart socially and economically from the rest of Virginia. West Virginia's natural attributes attracted a hardy, can-do breed of opportunistic settlers determined to scratch a living for their families from her rocky hillsides. They mined salt and coal, hunted and trapped, and cut small family farms out of the hillsides. These mountaineers had little in common with the gentrified, land-owning and slave-owning plantation masters of eastern Virginia's tidewater and piedmont regions. Thus, even as the issue of slavery began to strain the relations between the Nation's industrial North and her agricultural South, the contrasts within Virginia were sharp.

A child of conflict, West Virginia's birth was surprisingly peaceful. Before the Civil War, the Commonwealth of Virginia was a large State, fraught with its own internal divisions, based

largely on geography and economics. The eastern coastal plains and piedmont regions, with their large plantation economies, had much in common with the secessionist Southern States, while the mountainous Blue Ridge and Appalachian western portions of the State were populated by small farmers and woodsmen who had little use for the practice of slavery. Thus, when the convention was held in Richmond, VA, on April 17, 1861, to decide on Union or secession, the farmers and businessmen of western Virginia held with the North on the slavery question and the eastern half of the State held with the South. The matter was put to a statewide vote. Led by Clarksburg's John S. Carlile, Western delegates marched out of the Secession Convention and vowed to form a State government loyal to the Union.

From May 13–15, 1861, another convention was held, this one in Wheeling. Delegates from western Virginia decided to wait for the results of the statewide vote, which approved Virginia's secession from the Union on May 23. After the statewide vote, it was proposed that delegates from the western counties be elected to a convention to decide the matter for themselves. The convention, conducted in Wheeling from June 11–25, 1861, established a Restored, or Reorganized Government of Virginia. Francis H. Pierpont was elected Governor. President Lincoln recognized the Restored Government as the legitimate government of Virginia, and senators and representatives were chosen to represent the pro-Union Virginia.

In October 1861, residents of 39 counties in western Virginia approved the formation of a new Unionist State. A Constitutional Convention met in Wheeling from November 1861 to February 1862. At the convention, delegates selected counties to be included in the new State. In all, 50 counties were selected. Five additional West Virginia counties—Mineral, Grant, Lincoln, Summers, and Mingo—were formed after statehood to bring the total number of counties in West Virginia to its current 55.

Some eastern and southern counties did not support statehood but were included in the new State for political, military, or economic reasons. The mountain range west of the Blue Ridge became the eastern border of the new State, to provide a natural barrier to a Confederate invasion which many feared. The secessionist Eastern Panhandle counties were included in order to control the important Baltimore and Ohio railroad line. The inclusion of secessionist counties in the new State made for a certain amount of tension and any number of fascinating war stories.

Perhaps the most interesting war story involves the proclamation of West Virginia as a State. The U.S. Constitution requires that a new State gain approval for its establishment from the original State, which did not happen in the case of West Virginia. Virginia had seceded from the Union and was not, in any case, receptive to the idea of losing any part of its territory to the Union. Since President Lincoln had recognized the Restored Government of Virginia as the legal government of Virginia, it granted permission to itself on May 13, 1862, to form the State of West Virginia.

The U.S. Congress approved the West Virginia statehood bill after amending it to assure that another slave State was not created. The Senate passed the West Virginia Statehood Act on July 14, 1862, and on December 10, 1862, the House of Representatives followed suit. President Lincoln signed the bill into law on December 31, 1862. On March 26, 1863, the citizens of the 50 counties approved the statehood bill, and on June 20, West Virginia was officially established. The Restored Government of Virginia, with Pierpont continuing as Governor, moved to Alexandria, VA, from Wheeling, now that Wheeling was no longer in Virginia but in West Virginia.

The naming of West Virginia was also up for debate. Several possibilities were debated, including Kanawha, New Virginia, Western Virginia, Alleghany, Columbia, and Augusta, before the name of West Virginia was adopted by a majority of 30 votes. The runner up was Kanawha, which garnered just nine votes, including that of Mister James Henry Brown of Kanawha.

Mr. President, these few facts are but a drop of water in the lake of West Virginia's history. I invite the Nation to come and discover more in person. Our history runs deep, from the fossils hidden in the coal seams and rocks to the misnamed New River, which is, ironically, among the oldest rivers on the continent. There are historic sites across the State from frontier forts to Revolutionary War and Civil War battlegrounds.

West Virginia boasts an extensive park system that preserves the natural beauty of the State for all to enjoy. Fairs and festivals celebrate food from apple butter, blackberries, ramps, grapes, molasses and maple syrup. Sternwheelers, dulcimers, and even George Washington's bathtub merit their own festivals. People are not ignored, either, as festivals celebrate pioneers and indians, Black history and Celtic culture, as well as the heritage of counties and countries from Ireland to Italy, Greece to Lebanon. Music, from Appalachian string bands to bluegrass to gospel, comes in for its share of the fun. And the great natural treasures of West Virginia are not forgotten. There are festivals and jubilees for trees, rivers, birds, mountains, marble, coal, oil and gas, and even monarch butterflies. One can hardly mention West Virginia without thinking of the State's great craftsmen and women, renowned for stunning handmade products that are featured in many fairs and festivals as well as being available throughout the State in galleries and studios. Quilts, carvings, paintings, pottery and glass are but a few of the selections.

Larger commercial firms are also famous for their fine artistry. In honor of West Virginia's birthday, each year the Blenko Glass Company of Milton, WV, produces a limited number of special edition pieces—the number equaling the number of years the State is celebrating. The 2006 edition consists of 143 glass vases, each 11 inches high in a blending jungle green base that fades to a topaz gold mouth, rimmed in cobalt. The beautiful commemorative vase this year was designed by Hank Murta Adams. What a lovely way to mark a special day.

West Virginia is a special place. It may seem a little out of the way, but it is surprisingly close to many of the population centers on the east coast. It is full of quiet, peaceful spots—small towns with friendly people and breathtaking vistas of scenic beauty. It has churches and music, small farms and mills, rushing whitewater and still ponds. West Virginia is a place for family exploration, a place where it is easy to pull off the road and reenter the past, to stop and meet a craftsman at work, or just to eat a sandwich under a shady tree beside a cool stream. The more adventurous families might enjoy some of the whitewater rafting that West Virginia is famous for, or rock climbing, or paddling a canoe down a river canyon while watching for eagles overhead. You do not need to go on a crowded, canned cruise or to a hot, line-filled amusement park to find enjoyment. Just come to West Virginia and you will learn to love it as I do.

Roy Lee Harmon wrote a poem about West Virginia that I would like to close with. Roy Lee Harmon was from Boone County and lived in Beckley for many years. He held the post of State Poet Laureate from 1937 until 1978, some 41 years, becoming the Poet Laureate Emeritus in 1979. He wrote six books of poetry before he died in 1981. In his last book, published in 1978, he noted that after suffering from a long illness, when he died, ''I shall thank God of all creation who has allowed me to live so long in my beloved hills of West Virginia and write my poems.'' I wish the State and all of her inhabitants, my beloved Mountaineers, best wishes for another year of happiness in their mountain fastness. Happy Birthday, West Virginia, and may God continue to bless you for another 143 years.

WEST VIRGINIA

This was no land for lily-fingered men
Who bowed and danced a neat quadrille,
In towns and cities far beyond the ken
Of mountaineers—who loved each rock and rill.

It was a place for lean, tall men with love
For freedom flowing strongly in their veins,
For those attuned to vagrant stars above,
To rugged peaks, deep snows, and June-time rains.

And so our State was whelped in time of strife
And cut its teeth upon a cannon ball;

Its heritage was cleaner, better life,
Within the richest storehouse of them all.
With timber, oil and gas and salt and coal,
It bargained in the world's huge marketplace.
The mountain empire reached a mighty goal;
It never ran a pauper's sordid race.
And best of all, it sire a hardy flock
Whose fame will grow with centuries to be,
Tough as a white-oak stump or limestone rock,
The mountaineers who always shall be free.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. ROCKEFELLER. Mr. President, today, I am honored to celebrate the great State of West Virginia. June 20, 2006, commemorates; the 143rd birthday of the ''Wild and Wonderful'' State of West Virginia marking a milestone in both national and state history.

The historical importance of West Virginia should not be underestimated. Born in 1863 out of the turmoil of the Civil War, it has become synonymous with dedication, hard work, and integrity. West Virginia emerged as a staunch supporter of individuality, freedom, and tolerance. The common experience of the Civil War forged a unique bond of fraternity and camaraderie between its citizens. The commendable citizens of our great State exemplify all of the aforementioned attributes through their unending commitments to their jobs, communities, and families.

People, however, are not the sole attraction to the State. The West Virginia experience is transforming and mesmerizing. Visitors from around the world enjoy the vibrantly lush forests, clearly flowing streams, and majestic snow-capped mountains, which provide excellent outlets for recreational activity. Hiking, mountain biking, hunting, fishing, whitewater rafting, skiing, and golfing are just a few of the amenities provided in the treasure that is West Virginia.

The culture of West Virginia rivals nature in beauty and intensity. Music, history, pottery, glass, and storytelling make up a patchwork quilt of extraordinary experiences. Each individual, young or old, visitor or native, is wrapped warmly into West Virginia's comforting blanket of culture and identity.

The West Virginia motto, ''Mountaineers are always free,'' rings throughout the State with resounding force. Jerry West, Pearl Buck, Chuck Yeager, and Senator ROBERT C. BYRD are just a few of the influential people of our time from West Virginia. As of June 12, 2006, Senator BYRD has had the distinction of being the longest serving Senator in U.S. history. Clearly, West Virginia has provided and continues to provide successful and inspiring individuals to the world.

Sadly, West Virginia has seen great tragedy in the last year: In four separate mining accidents, 19 miners have lost their lives. Coal production is woven into the fabric of our State. While we always knew of the risks, losing loved ones is always devastating. Following those accidents, the Nation finally focused on what West Virginia has long known—we must improve mine safety. Currently, 40,000 direct jobs are supplied by the coal industry's influence in the State. This month, the MINER Act was signed into law by President Bush. This momentous step in mine safety legislation will bring greater safety to the brave men and women who work in the mines. The important role coal plays in the culture, economy, and history of West Virginia cannot be understated. The jobs provided through the coal industry contribute to the well-being of thousands of West Virginians, they increase State development, and they enhance the economic vitality of the State. It is our responsibility to make sure that miners are safe, secure, and protected.

In addition to some of the hardships our State has faced since its 142nd birthday, we also have a lot to celebrate: The Toyota Motor Manufacturing Plant located in Buffalo, WV, recently celebrated its 10th anniversary. Since its inception in 1996, the plant has expanded five times and has been the single most productive engine and transmission facility in all of North America for 4 consecutive years. In 1996, 350 jobs were provided by the Toyota plant. By 2007, it is estimated that 1,150 workers will be employed by the organization.

Additionally, the West Virginia University football team won the right to participate in the 2006 Sugar Bowl in Atlanta, GA. In a stunning victory, the West Virginia University Mountaineers upset the University of Georgia Bulldogs 38 to 35. The Mountaineers finished the season ranked fifth overall in the Associated Press poll tying the highest ranking in school history.

I am proud to represent West Virginia. I am proud to live in West Virginia, and I am proud to be called a West Virginian. Today, it is my great honor to celebrate and commemorate the 143rd birthday of the ''Wild and Wonderful'' State of West Virginia.•

VOTE EXPLANATION

Mr. JOHNSON. Mr. President, I would like the RECORD to reflect that I was necessarily absent on Monday June 19, 2006, for rollcall vote No. 175, the confirmation of the nomination of Sandra Segal Ikuta, of California, to be U.S. circuit court judge. Unfortunately, my flight from South Dakota to Washington, DC, was delayed due to bad weather. Had I been present for this vote, I would have voted in favor of the nomination.

HONORING OUR ARMED FORCES

LIEUTENANT COLONEL CHARLES E. MUNIER

Mr. THOMAS. Mr. President, I wish today to express our Nation's deepest thanks and gratitude to a special man and his family. I recently received word of the untimely death of LTC Charles Munier of Wheatland, WY, while serving his country in the war on terrorism. Lieutenant Colonel Munier passed away on Monday, June 12, 2006, at Walter Reed Hospital following a stroke suffered while serving in Afghanistan where he was helping to train the Afghan army.

Lieutenant Colonel Munier served in Wyoming National Guard as facilities manager for Camp Guernsey, Wyoming's training center for both Guard and Active-Duty military. He is remembered by his brother soldiers as a pivotal member of the Camp Guernsey staff and an outstanding officer who took his duties as a citizen soldier very seriously. In his civilian life, Lieutenant Colonel Munier worked for the Platte County Sheriff's Office as the jail administrator.

Lieutenant Colonel Munier epitomized the ethos of the citizen soldier. He did not hesitate to put down the plowshare and pick up the rifle when his country needed him. It is because of people like Charles Munier that we continue to live safe and free. America's men and women who answer the call of service and wear our Nation's uniform deserve respect and recognition for the enormous burden that they willingly bear. They put everything on the line every day, and because of these folks, our Nation remains free and strong in the face of danger.

Lieutenant Colonel Munier is survived by his wife Nancy, his daughter Victoria Rice, and her husband Tim, and his brothers and sisters in arms of the Wyoming National Guard. Today we say goodbye to a husband, a father, and an American soldier. Our Nation pays its deepest respect to LTC Charles E. Munier for his courage, his love of country, and his sacrifice, so that we may remain free. He was a hero in life, and he remains a hero in death. All of Wyoming and, indeed, the entire Nation are proud of him.

INSTABILITY IN SOMALIA

Mr. FEINGOLD. Mr. President, given the continuing instability in Somalia, the growing tensions between the Transitional Federal Government and the Islamic Courts Union, ICU, and the worsening humanitarian conditions throughout the country, it is more essential than ever that the U.S. Government and the international community engage fully in efforts to bring about a peaceful solution to the conflict that has plagued Somalia for more than 15 years.

Most immediately, it is essential that the ICU recognize the legitimacy of the TFG and that it engage in good-faith efforts to support the TFG's role and authority as Somalia's legitimate Government. The ICU must take immediate actions to begin assisting the TFG to extend its authority to Mogadishu, and it must do so in a transparent and expeditious manner.

The international community must also play a productive—and more aggressive—role. The United Nations must address this issue immediately and must make the necessary decisions and actions to allow for every option and tool for establishing stability in Somalia to be pursued. It is clear that both regional and international efforts must be strengthened and coordinated more effectively, and we must heed the calls of international humanitarian organizations on the ground for additional humanitarian assistance to increasingly vulnerable populations there.

Somalia's neighbors must be cautious and patient as conditions within Somalia continue to change. Somalia's neighbors must play a supportive role to the efforts of the TFG, the United Nations, and the African Union to secure peace. Hasty, aggressive, or meddling actions could undermine or further complicate efforts to find a political solution to the stand-off between the TFG and Islamic Courts Union. All international actions relating to Somalia must be coordinated, and activities that may undermine current efforts there must not be tolerated.

Finally, the U.S. Government must take instability in Somalia seriously. Just last week, Ambassador Hank Crumpton, the State Department's coordinator for counterterrorism, testified in front of the Senate Foreign Relations Committee and said that the State Department has only one full-time Foreign Service officer, based in Nairobi, working on Somalia-related issues. The administration has failed to create a strategy for Somalia and is only now, after years and years of instability and chaos throughout the country, engaging in international efforts to address some of the problems Somalia faces. The administration must create one sound policy framework to support stabilizing and rebuilding Somalia within which all U.S. Government activities can be coordinated. It must also appoint a senior-level coordinator to manage the multifaceted challenges that conditions in Somalia pose to both the United. States and the international community.

Past efforts have been insufficient. It is past time to take the deteriorating conditions within Somalia seriously, and we must do so immediately. Recent developments in Somalia threaten to destabilize the entire region and plunge Somalia further in to despair. We can help prevent this if we act now.

RELIGIOUS FREEDOM

Mr. SHELBY. Mr. President, I rise today to discuss the issue of religious freedom. The freedom to believe and worship how one chooses is essential. However, as we strive for greater religious freedom and tolerance throughout the world, we have witnessed activist judges chip away at our own religious freedoms. These activist judges have worked diligently to restrict our rights to express our religious beliefs under the guise of separation of church and state.

Many of the court decisions that have broadened Americans' first amendment right to free speech, overreach. In an effort to promote tolerance, religious expression is in fact, being censored.

Our Founding Fathers proclaimed liberty to be an unalienable right bestowed by our Creator—''We hold these Truths to be self-evident, that all men are . . . endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the Pursuit of Happiness . . .'' Yet unelected, activist judges are rewriting history. They have decided that, in fact, the Founding Fathers did not intend for there to be freedom of religious expression but, rather, freedom from religious expression.

Thirty years of public opinion polls have shown that more than 75 percent of Americans support a constitutional amendment to protect voluntary school prayer. However, the Supreme Court has said such an act violates the constitutional separation of church and state—again, another act that forces freedom from religious expression rather than freedom of religious expression.

It is not simply this decision but a growing and disturbing trend in our Federal courts to deny the rights of our States and our citizens to acknowledge God openly and freely. In fact, reciting the words ''one Nation under God'' in the Pledge of Allegiance has been ruled unconstitutional as has displaying the Ten Commandments in a State building in my home State of Alabama. These tortured legal decisions distort our Constitution, our Nation's history and its tradition in an effort to secularize our system of government and divest morality from our rule of law.

We simply cannot divest God from our country. Our country has no foundation without a basic recognition that God invests us at birth with basic individual rights that we all enjoy as Americans. In fact, our Government and our laws are based on Judeo-Christian values and a recognition of God as our Creator.

Our motto is ''In God We Trust.'' It is enshrined on our currency.

Our national anthem recognizes our motto as ''In God is Our Trust.''

As Federal officials, each of us has taken an oath of office. The President takes a similar one. State and local officials and our military personnel all swear a similar oath. Jurors and witnesses in our State and Federal courts take an oath as do witnesses before Congress. We all swear to uphold the Constitution or tell the truth, ''so help me God.''

Our courts, including the Supreme Court, recognize God in their official proceedings, both the House and Senate acknowledge God through an opening prayer every morning. Our public buildings and monuments honor this heritage through various depictions of the basic moral foundations of our laws and system of government.

My point is that you simply cannot divest God from our country. Despite the actions of these activist judges, our country has no foundation without a basic recognition that God invests us at birth with basic individual rights—such as the blessings of liberty—that we all enjoy as Americans.

Again, I believe that the courts have exceeded their power. They have overreached. To that end, I have introduced the Constitution Restoration Act. This legislation recognizes the rights of the States and the people as embodied in the Declaration of Independence and the Constitution—9th and 10th amendments—to acknowledge God.

The Constitution Restoration Act goes to the very foundation of our country and the legitimacy of our system of government. Thomas Jefferson in his first inaugural address said that ''The wisdom of our sages and the blood of our heros have been devoted to [the] attainment'' of our liberty and form of government.

If we are to maintain our form of government, we must ensure that activist judges are not permitted to take away our religious liberties. The very foundation of our government cannot and should not be expunged from public view—an unelected Federal judiciary should not be allowed to outlaw all public acknowledgments of God. We must protect our very basic freedom of religious expression.

Mr. President, I encourage my colleagues to work with me to protect this basic freedom by supporting the Constitution Restoration Act.

DRY EYE AWARENESS MONTH

Mr. DAYTON. Mr. President, today I rise to call attention to an important but often overlooked chronic illness: dry eyes. The Sjögren's Syndrome Foundation and National Women's Health Resource Center have declared July Dry Eye Awareness Month.

Every year, chronic dry eye syndrome affects nearly 10 million Americans of all ages; many sufferers will go undiagnosed. Without tears, good vision is impossible. Dry eye syndrome can cause devastating symptoms, including constant pain, an inability to focus, and, in severe cases, serious visual impairment. It can significantly affect a person's quality of life, increasing the risk of problems with reading, professional work, computer use, and night driving.

Americans suffering with dry eye syndrome either do not produce enough tears, or have poor quality tears and/or excessive tear evaporation. Either problem causes their eyes to sting and burn, feel scratchy, become irritated, or excessively tear. Most people with

dry eye find the condition to be an uncomfortable nuisance, with many characteristics of a ''chronic pain'' type of syndrome.

One study showed that dry eye patients experienced an average of 184 days of reduced productivity in a year. Although dry eye syndrome cannot be cured, there are a variety of available treatments. However many people with dry eye continue to suffer needlessly because they are unaware of their options. Both dry eye and Sjögren's seriously endanger women's health.

Sjögren's syndrome is a painful and debilitating autoimmune disease which causes the immune system to attack its own lubricating glands, such as tear and salivary glands. Sjögren's is one of the most prevalent autoimmune disorders, and although it affects people of all ages, 9 out of 10 patients are women, and the average age of onset is late forties. The hallmark symptoms are dry eyes and dry mouth, but Sjögren's may also cause dryness of other organs, affecting the kidneys, GI tract, blood vessels, lungs, liver, pancreas, and the central nervous system. Patients with Sjögren's syndrome are also 40 times more likely to develop lymphoma.

Marking July as Dry Eye Awareness Month will bring more attention to this widespread and potentially debilitating condition. I thank the Minnesota members of the Sjögren's Syndrome Foundation and the National Women's Health Resource Center for bringing this issue to my attention and thank them for their efforts to educate the public about this serious health concern.

THE BOYS AND GIRLS CLUBS OF BURLINGTON, VERMONT

Mr. LEAHY. Mr. President, as the Burlington, VT, Boys and Girls Club prepares to begin an ambitious capital fundraising campaign this summer, I am proud to give my strong support to this important organization. As a longtime supporter of this organization in Vermont and across the country, I wish them the best of success in their efforts, and I commend them for striving to continually improve their organization and Vermont's communities.

Through this campaign, the Burlington Boys and Girls Club plans to strengthen its resources with the addition of high-speed Internet access at the club, as well as a multimedia center where members can become proficient in current technology. This is a critical component of success for young people in our increasingly technological society. The club will also reinforce its dedication to creativity through the addition of a visual and performing arts space where members will be able to pursue their artistic expression. These are just a few of the admirable goals set out for this campaign, and I am confident they will be achieved.

The Boys and Girls Clubs around the country are a leading example of how the support and care of our young people benefits American society, one boy and one girl at a time. The Boys and Girls Clubs have proven that when we show our young people that we care about them and that we care about their futures, they respond with positive and constructive actions in their communities.

We also know the Boys and Girls Clubs provide a healthy alternative for many young people and oftentimes prevent them from being drawn into gangs, drug abuse, and other crime. The clubs instill leadership qualities, respect, and thoughtfulness in participants through programs that include art, athletics, help with schoolwork, technology, life skills, training in resistance to drugs and alcohol, and community service. In providing these valuable programs during critical development periods when young people are most vulnerable, the Boys and Girls Clubs fill a void and reduce the opportunity to succumb to negative influences. The Boys and Girls Clubs represent the best of what communities can do to improve the lives of their young people.

I know firsthand how well Boys and Girls Clubs work and what topnotch organizations they are. When I was a prosecutor in Vermont, I was convinced of the great need for Boys and Girls Clubs because we rarely encountered children from these kinds of programs. In fact, after I became a U.S. Senator, a police chief was such a big fan that he asked me to help fund a Boys and Girls Club in his district rather than helping him pay for a couple more police officers.

Over the years, I have worked with other members of the Senate to make sure the Boys and Girls Clubs around the country have the funding necessary to carry out their mission. Since 1998, we have worked to steadily increase Federal funding for the Boys and Girls clubs each year. This year, as the chairman and ranking member of the Judiciary Committee, Senator SPECTER and I have recommended $80 million in funding to help keep this organization a strong and vital part of their communities, from coast to coast. As a senior member of the Appropriations Committee, I look forward to seeing that these funds are appropriated for this important work.

Represented in all 50 States, the 3,700 branches of the Boys and Girls Club reach more than 4.4 million young people. The Boys and Girls Club of Burlington alone serves more than 1,400 young people each year. Through continued funding, Boys and Girls Clubs around the country will serve 6 million young people by January of 2007. The growth of these clubs across our country has been a true success story, and I am proud to work to ensure the Federal Government's continued support.

As the Burlington Boys and Girls Club kicks off its capital campaign, I commend all of Vermont's Boys and Girls Clubs, along with all of the other clubs across our Nation, for the important work they do to help our young citizens become exceptional adults.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF BENEDICT, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 3, the residents of Benedict will gather to celebrate their community's history and founding.

Benedict was founded in 1906 as a stop on the Soo Line Railroad. The name of the town was derived from the Order of St. Benedict, the order to which most of the Catholic priests in the area belonged.

Today, Benedict remains a small, pleasant agricultural town. The farmers in the area farm mostly wheat, canola, and sunflowers, and the town contains the prosperous McLean Elevator, which draws customers from the surrounding area. The Concordia Lutheran Church continues to be the center of town life.

To celebrate their centennial, the people of Benedict have planned a number of events, including a lawnmower pull, children's games, and a parade.

Mr. President, I ask the Senate to join me in congratulating Benedict, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Benedict and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Benedict that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Benedict has a proud past and a bright future.●

100TH ANNIVERSARY OF TOLNA, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 6 to 8, the residents of Tolna will gather to celebrate their community's history and founding.

Tolna's history began in May 1906, when D.B. Tallman founded the town as a stopping point for trains on the Great Northern Railroad. Tallman's daughter could not pronounce the name ''Tallman,'' so they named the town ''Tolna'' after the way she pronounced it. The town grew quickly and was settled mostly by German and Norwegian immigrants, many of whose descendants live in Tolna today.

Tolna remains an active and involved community. The Tolna Summer Rec Program sponsors a large number of sports teams for area youth and sports events involving the entire town. The

Senior Citizens Center organizes a variety of events, including a series of bingo games. The Tolna Alumni Association is also an active organization for all residents of Tolna, past and present.

The community has organized a wide variety of events to celebrate the centennial, including a parade, fireworks, a bull riding event, and children's activities. Tolna expects over 4,000 visitors for its centennial, which is quite an accomplishment for a town of 200.

Mr. President, I ask the Senate to join me in congratulating Tolna, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Tolna and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Tolna that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Tolna has a proud past and a bright future.●

100TH ANNIVERSARY OF ALMONT, NORTH DAKOTA

● Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 1 to 4, and again on Labor Day, the residents of Almont will gather to celebrate their community's history and founding.

Almont is a vibrant community in south-central North Dakota. The town was founded in 1883 when the Northern Pacific Railroad established a station in the town. Major real estate settlement began in the area with the help of Eber W. Hyde, a settler from South Dakota who was seeking to establish a lumber yard in the area. The name of the town, Almont, came from a nearby landmark, Altamont Moraine, which translated from French as moraine, high hill.

In order to preserve the history of the city, Almont has a historical society and a museum. Along with holding the rich history of Almont, the museum is the location for the town's yearly celebration that takes place during the weekend of Labor Day. The town also hosts an annual ''Lutefisk a Lefsa'' dinner that many claim to be the best around.

The citizens of Almont are proud of all of their accomplishments over the past 100 years and have planned a celebration that will include street dances, city and school tours, water slides, local entertainment, children's activities, a paint ball war, a car show, and a parade.

Mr. President, I ask the Senate to join me in congratulating Almont, ND and its residents on the first 100 years and in wishing them well through the next century. By honoring Almont and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Almont that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Almont has a proud past and a bright future.●

DR. JAMES CAMERON

● Mr. KOHL. Mr. President, Dr. James Cameron was man of great strength, spirituality, and conviction.

Dr. Cameron was born in LaCrosse, WI, in 1914 and moved to Indiana as a teenager. In Indiana, he accompanied two friends involved in an armed robbery that turned to rape and murder. Though Dr. Cameron ran away well before the crime was committed, all three young men were taken to jail. The Ku Klux Klan stormed that jail on August 7, 1930, hung his two friends, and beat him severely. Dr. Cameron survived but spent another 6 years in jail for crimes he did not commit.

Dr. Cameron never let us forget the injustice done to the many victims of lynching and racial violence. After moving back to his home State of Wisconsin, he founded the Black Holocaust Museum in Milwaukee. This unique museum lays bare our Nation's violent past of racism and slavery. His work opened the eyes of thousands to the suffering of African Americans, not only in the age of slavery but also in the decades that followed.

Dr. Cameron joined us last year to witness the passage of Resolution No. 39, a resolution apologizing to the victims of lynching and the descendants of those victims for the failure of the Senate to enact antilynching legislation. His mere presence assured us that we were doing the right thing, albeit many years too late.

Dr. Cameron is survived by his dear wife Virginia and their wonderful family. His legacy will remain a source of hope and pride for many.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting which was referred to the Committee on Foreign Relations.

To the Senate of the United States.

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith: the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (the ''Geneva Protocol III''), adopted at Geneva on December 8, 2005, and signed by the United States on that date; the Amendment to Article 1 of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (the ''CCW Amendment''); and the CCW Protocol on Explosive Remnants of War (the ''CCW Protocol V''). I transmit, for the information of the Senate, the report of the Department of State concerning these treaties.

Geneva Protocol III. Geneva Protocol III creates a new distinctive emblem, a Red Crystal, in addition to and for the same purposes as the Red Cross and the Red Crescent emblems. The Red Crystal is a neutral emblem that can be employed by governments and national societies that face challenges using the existing emblems. In addition, Geneva Protocol III will pave the way for Magen David Adorn, Israel's national society, to achieve membership in the International Red Cross and Red Crescent Movement. Legislation implementing Geneva Protocol III will be submitted to the Congress separately.

CCW amendment. The amendment to Article 1 of the CCW, which was adopted at Geneva on December 21, 2001, eliminates the distinction between international and non-international armed conflict for the purposes of the rules governing the prohibitions and restrictions on the use of certain conventional weapons. It does not change the legal status of rebel or insurgent groups into that of protected or privileged belligerents.

CCW Protocol V. CCW Protocol V, which was adopted at Geneva on November 28, 2003, addresses the post-conflict threat generated by conventional munitions such as mortar shells, grenades, artillery rounds, and bombs that do not explode as intended or that are abandoned. COW Protocol V provides for the marking, clearance, removal, and destruction of such remnants by the party in control of the territory in which the munitions are located.

Conclusion. I urge the Senate to give prompt and favorable consideration to each of these instruments and to give its advice and consent to their ratification. These treaties are in the interest of the United States, and their ratification would advance the longstanding and historic leadership of the United States in the law of armed conflict.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 19, 2006*.

MESSAGE FROM THE HOUSE

At 12:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5104. An act to designate the facility of the United States Postal Service located at 1750 16th Street South in St. Petersburg, Florida, as the ''Morris W. Milton Post Office''.

H.R. 5504. An act to designate the facility of the United States Postal Service located at 6029 Broadmoor Street in Mission, Kansas, as the ''Larry Winn, Jr. Post Office Building''.

H.R. 5540. An act to designate the facility of the United States Postal Service located at 217 Southeast 2nd Street in Dimmitt, Texas, as the ''Sergeant Jacob Dan Dones Post Office''.

The message also announced that pursuant to section 214(a) of the Help America Vote Act of 2002 (42 U.S.C. 15344), and the order of the House of December 18, 2005, the Speaker reappoints the following member on the part of the House of Representatives to the Election Assistance Commission Board of Advisors for a term of 2 years: Mr. Thomas A. Fuentes of Lake Forest, California.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5104. An act to designate the facility of the United States Postal Service located at 1750 16th Street South in St. Petersburg, Florida, as the ''Morris W. Milton Post Office''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5504. An act to designate the facility of the United States Postal Service located at 6029 Broadmoor Street in Mission, Kansas, as the ''Larry Winn, Jr. Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5540. An act to designate the facility of the United States Postal Service located at 217 Southeast 2nd Street in Dimmitt, Texas, as the ''Sergeant Jacob Dan Dones Post Office''; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–7204. A communication from the Secretary of Agriculture, transmitting, the report of a draft bill entitled ''Commodity Credit Corporation (CCC) Budget Proposals''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7205. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenarimol; Pesticide Tolerance'' (FRL No. 8061–4) received on June 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7206. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pendimethalin; Pesticide Tolerance'' (FRL No. 8070–2) received on June 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7207. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Methoxyfenozide; Pesticide Tolerance'' (FRL No. 8069–5) received on June 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7208. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Potassium Silicate; Exemption from the Requirement of a Tolerance'' (FRL No. 8069–6) received on June 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7209. A communication from the Deputy Chief for National Forest System, Forest Service, Department of Agriculture, transmitting, pursuant to law, the 2005 Report for the Granite Watershed Enhancement and Protection Stewardship Project; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7210. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Organic Program—Revisions to Livestock Standards Based on Court Order (Harvey v. Johanns) and 2005 Amendment to the Organic Foods Production Act of 1990'' ((RIN0581–AC60)(TM–06–06–FR)) received on June 7, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7211. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Food Stamp Program: Civil Rights Data Collection'' (RIN0584–AC75) received on June 7, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7212. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Fruits and Vegetables; Untreated Citrus from Mexico'' (Docket No. 03–048–3) received on June 6, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7213. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Citrus Canker; Compensation for Certified Citrus Nursery Stock'' ((RIN0579–AC05)(Docket No. APHIS–2006–0033)) received on June 8, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7214. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Emergency Conservation Program'' (RIN0560–AH43) received on June 8, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7215. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Conservation Reserve Program—Emergency Forestry Conservation Program'' (RIN0560–AH44) received on June 8, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7216. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Grains and Similarly Handled Commodities-Marketing Assistance Loans and Loan Deficiency Payments for the 2006 Through 2007 Crop Years; Cotton'' (RIN0560–AH38) received on June 8, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7217. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Bacillus mycoides isolate J; Temporary Exemption from the Requirement of a Tolerance'' (FRL No. 8072–3) received on June 12, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7218. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Child Care and Development Fund Report to Congress for Fiscal Year 2002 and Fiscal Year 2003''; to the Committee on Finance.

EC–7219. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Trade Act of 1974 to Vietnam; to the Committee on Finance.

EC–7220. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the continuation of a waiver of application of subsections (a) and (b) of section 402 of the Trade Act of 1974 to Belarus; to the Committee on Finance.

EC–7221. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a waiver of the Jackson-Vanik Amendment for Turkmenistan; to the Committee on Finance.

EC–7222. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Qualified Alternative Fuel Motor Vehicle Credit'' (Notice 2006–54) received on June 6, 2006; to the Committee on Finance.

EC–7223. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Clarification of Notice 2006–26'' (Notice 2006–53) received on June 6, 2006; to the Committee on Finance.

EC–7224. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Deduction for Energy Efficient Commercial Buildings'' (Notice 2006–52) received on June 6, 2006; to the Committee on Finance.

EC–7225. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Communications Excise Tax; Toll Telephone Service'' (Notice 2006–50) received on June 6, 2006; to the Committee on Finance.

EC–7226. A communication from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Closing of the Port of Noyes, Minnesota, and Extension of the Limits of the Port of Pembina, North Dakota'' (CBP Dec. 06–15) received on June 6, 2006; to the Committee on Finance.

EC–7227. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Announcement: 2006 Prevailing State Assumed Interest Rates: Correction'' (Announcement 2006–35) received on June 6, 2006; to the Committee on Finance.

EC–7228. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 911 Waiver Rev. Proc.—2005 Update'' (Rev. Proc . 2006–28) received on June 6, 2006; to the Committee on Finance.

EC–7229. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Revenue Ruling: 2006 Prevailing State Assumed Interest Rates'' (Rev. Rul. 2006–25) received on June 6, 2006; to the Committee on Finance.

EC–7230. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Modification of Rev. Rul. 2006–1'' (Rev. Rul. 2006–31) received on June 6, 2006; to the Committee on Finance.

EC–7231. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Guidance under Section 7874 Regarding Expatriated Entities and Their Foreign Parents'' (RIN1545–BF48) received on June 6, 2006; to the Committee on Finance.

EC–7232. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Mixed Service Cost Examinations ('MSC') Industry Directive'' received on June 12, 2006; to the Committee on Finance.

EC–7233. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rate Update'' (Notice 2006–55) received on June 12, 2006; to the Committee on Finance.

EC–7234. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the report of a draft bill entitled ''Lava Beds National Monument Wilderness Boundary Adjustment Act of 2005''; to the Committee on Energy and Natural Resources.

EC–7235. A communication from the Assistant Secretary, Department of the Interior, transmitting the report of a draft bill entitled ''Range Improvement Fund Amendment Act of 2006''; to the Committee on Energy and Natural Resources.

EC–7236. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Record Retention Requirements for Unbundled Sales Service, Persons Holding Blanket Marketing Certificates, and Public Utility Market-Based Rate Authorization Holders'' (Docket No. RM06–14–000) received on June 8, 2006; to the Committee on Energy and Natural Resources.

EC–7237. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Texas Regulatory Program'' (Docket No. TX–054–FOR) received on June 12, 2006; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment:

S.J. Res. 12. A joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. CLINTON:

S. 3537. A bill to amend the Public Health Service Act to establish a national center for public mental health emergency preparedness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRAHAM:

S. 3538. A bill to suspend temporarily the duty on unbleached printcloth; to the Committee on Finance.

By Mr. GRAHAM:

S. 3539. A bill to suspend temporarily the duty on unbleached sheeting; to the Committee on Finance.

By Mr. GRAHAM:

S. 3540. A bill to suspend temporarily the duty on unbleached cheesecloth; to the Committee on Finance.

By Mr. GRAHAM:

S. 3541. A bill to suspend temporarily the duty on certain unbleached printcloth; to the Committee on Finance.

By Mr. GRAHAM:

S. 3542. A bill to improve maritime and cargo security and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. DURBIN, Mr. CHAFEE, Mr. INOUYE, Ms. CANTWELL, Mr. NELSON of Florida, Mrs. BOXER, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. LIEBERMAN, and Ms. COLLINS):

S. 3543. A bill to improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CARPER:

S. 3544. A bill to reduce temporarily the duty on Thiamethoxam Technical; to the Committee on Finance.

By Mr. CRAIG (for himself, Mr. AKAKA, Mr. BURR, and Mr. OBAMA):

S. 3545. A bill to amend title 38, United States Code, to improve services for homeless veterans, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. DOLE (for herself and Mr. BURR):

S. Res. 517. A resolution commending the Carolina Hurricanes for winning the 2006 National Hockey League Stanley Cup; considered and agreed to.

By Mr. FEINGOLD (for himself, Mr. KOHL, Mr. ALLEN, Mr. LAUTENBERG, Mr. LEVIN, Mr. OBAMA, and Ms. LANDRIEU):

S. Res. 518. A resolution honoring the life and accomplishments of James Cameron; considered and agreed to.

ADDITIONAL COSPONSORS

S. 418

At the request of Mr. ENZI, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 418, a bill to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

S. 774

At the request of Mr. BUNNING, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 774, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 809

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 809, a bill to establish certain duties for pharmacies when pharmacists employed by the pharmacies refuse to fill valid prescriptions for drugs or devices on the basis of personal beliefs, and for other purposes.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1687

At the request of Ms. MIKULSKI, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1687, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 1909

At the request of Mr. BURNS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1909, a bill to improve the provision of telehealth services under the Medicare Program, to provide grants for the development of telehealth networks, and for other purposes.

S. 1910

At the request of Mr. SUNUNU, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1910, a bill to amend title XVIII of the

Social Security Act to provide incentives to physicians for writing electronic prescriptions.

S. 2124

At the request of Mr. HARKIN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2124, a bill to address the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a major disaster, to increase the accessibility of replacement housing built with Federal funds following Hurricane Katrina and other major disasters, and for other purposes.

S. 2140

At the request of Mr. HATCH, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2145

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. 2145, a bill to enhance security and protect against terrorist attacks at chemical facilities.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2393

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 2393, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 2494

At the request of Mr. BURNS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2494, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for the payment of premiums for high deductible health plans, to allow a credit for certain employment taxes paid with respect to premiums for high deductible health plans and contributions to health savings accounts, and for other purposes.

S. 2548

At the request of Mr. STEVENS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2548, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

S. 2585

At the request of Mr. SMITH, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2585, a bill to amend the Internal Revenue Code of 1986 to permit military death gratuities to be contributed to certain tax-favored accounts.

S. 2657

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2657, a bill to extend the Iran and Libya Sanctions Act of 1996.

S. 2658

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2658, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 2720

At the request of Mr. BAUCUS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2720, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 3364

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 3364, a bill to authorize appropriate action against Japan for failing to resume the importation of United States beef in a timely manner, and for other purposes.

S. 3475

At the request of Mr. OBAMA, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3475, a bill to provide housing assistance for very low-income veterans.

S. 3506

At the request of Mr. AKAKA, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3506, a bill to prohibit the unauthorized removal or use of personal information contained in a database owned, operated, or maintained by the Federal government.

S. CON. RES. 94

At the request of Mr. COCHRAN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. Con. Res. 94, a concurrent resolution expressing the sense of Congress that the needs of children and youth affected or displaced by disasters are unique and should be given special consideration in planning, responding, and recovering from such disasters in the United States.

S. RES. 507

At the request of Mr. BIDEN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. Res. 507, a resolution designating the week of November 5 through November 11, 2006, as ''National Veterans Awareness Week'' to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

S. RES. 508

At the request of Mr. BIDEN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Res. 508, a resolution designating October 20, 2006 as ''National Mammography Day''.

S. RES. 510

At the request of Mr. MARTINEZ, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Virginia (Mr. WARNER) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 510, a resolution designating the period beginning on June 28, 2006, and ending on July 5, 2006, as ''National Clean Beaches Week'', supporting the goals and ideals of that week, and recognizing the considerable value and role of beaches in the culture of the United States.

AMENDMENT NO. 4194

At the request of Mr. CARPER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 4194 intended to be proposed to H.R. 8, a bill to make the repeal of the estate tax permanent.

AMENDMENT NO. 4216

At the request of Mr. THUNE, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of amendment No. 4216 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4224

At the request of Mr. OBAMA, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 4224 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4231

At the request of Mr. DEWINE, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of amendment No. 4231 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities

of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4236

At the request of Mr. LUGAR, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Maryland (Mr. SARBANES), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Illinois (Mr. OBAMA) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 4236 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4261

At the request of Mr. CHAMBLISS, the names of the Senator from Florida (Mr. NELSON), the Senator from California (Mrs. FEINSTEIN) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 4261 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4264

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 4264 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4266

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 4266 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4271

At the request of Mr. LEAHY, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from South Dakota (Mr. JOHNSON), the Senator from West Virginia (Mr. BYRD), the Senator from Delaware (Mr. BIDEN), the Senator from Missouri (Mr. TALENT), the Senator from Vermont (Mr. JEFFORDS), the Senator from Oregon (Mr. WYDEN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from California (Mrs. BOXER), the Senator from Nevada (Mr. REID), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 4271 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4272

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 4272 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4292

At the request of Mr. DORGAN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 4292 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4301

At the request of Mrs. DOLE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 4301 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4302

At the request of Mrs. DOLE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 4302 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4304

At the request of Mr. THUNE, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 4304 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4309

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 4309 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4320

At the request of Mr. LEVIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 4320 intended to be proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 4320 intended to be proposed to S. 2766, supra.

AMENDMENT NO. 4322

At the request of Mr. KENNEDY, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New York (Mrs. CLINTON), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from California (Mrs. FEINSTEIN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Oregon (Mr. WYDEN), the Senator from Minnesota (Mr. DAYTON), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of amendment No. 4322 proposed to S. 2766, an original bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. BIDEN, his name was added as a cosponsor of amendment No. 4322 proposed to S. 2766, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON:

S. 3537. A bill to amend the Public Health Service Act to establish a national center for public mental health emergency preparedness, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to introduce the Public Mental Health Emergency Preparedness Act of 2006. This bill would take several important steps toward preparing our nation to effectively address mental health issues in the wake of public health emergencies, including potential bioterrorist attacks.

Hurricanes Katrina and Rita, the events of September 11, other recent natural and man-made catastrophes have sadly taught us that our current resources are not sufficient or coordinated enough to meet the mental health needs of those devastated by emergency events. We need a network of trained mental health professionals—including first responders, local and state leaders, a well-developed infrastructure, and a mechanism—through which to mobilize and deploy mental health resources in a rapid and sustained manner in times of public health emergency.

It is clear that the consequences of emergency events like hurricanes or terrorist attacks result in increased emotional and psychological suffering among survivors and responders, yet we must do more to assist all who are affected. That is why I have introduced the Public Mental Health Emergency Preparedness Act of 2006.

This bill would require the Secretary of Health and Human Services to establish the National Center for Public Mental Health Emergency Preparedness—the National Center—to coordinate the development and delivery of mental health services in collaboration with existing Federal, State and local entities when our Nation is confronted with public health catastrophes. This legislation would charge the National Center with four functions to benefit affected Americans in our local communities, particularly vulnerable populations like children, older Americans, and persons with disabilities.

First, the Public Mental Health Emergency Preparedness Act would make sure we have evidence-based curricula available to meet the diverse training needs of a wide range of emergency health professionals, including mental health professionals, public health and healthcare professionals, emergency services personnel, county emergency managers, school personnel, spiritual care professionals, and State and local government officials responsible for emergency preparedness. By using these curricula, the National Center would build a network of trained emergency health professionals at the State and local levels.

Second, this legislation would establish and maintain a clearinghouse of educational materials, guidelines, and research on public mental health emergency preparedness and service delivery that would be evaluated and updated to ensure the information is accurate and current. Technical assistance would be provided to help users access those resources most effective for their communities.

Third, this bill would create an annual national forum for emergency health professionals, researchers, other experts and Federal, State and local government officials to identify and address gaps in science, practice, policy and education related to public mental health emergency preparedness and service delivery.

Finally, the Public Mental Health Preparedness Act would require annual evaluations of both the National Center's efforts and those across the Federal Government in building our Nation's public mental health emergency preparedness and service delivery capacity. Based on these evaluations, recommendations would be made to improve such activities.

We must not wait until another disaster strikes before we take action to improve the way we respond to the psychological needs of affected Americans. I look forward to working with all of my colleagues to ensure passage of this bill that would take critical steps toward preparing our Nation to successfully deal with the mental health consequences of public health emergencies.

I would ask unanimous consent to insert the text of this legislation in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Public Mental Health Emergency Preparedness Act of 2006''.

SEC. 2. NATIONAL CENTER FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS.

Title XXVIII of the Public Health Service Act (42 U.S.C. 300hh–11 et seq.) is amended by adding at the end the following:

''Subtitle C—National Center for Public Mental Health Emergency Preparedness

''SEC. 2821. NATIONAL CENTER FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS.

''(a) IN GENERAL.—

''(1) DEFINITION.—For purposes of this subtitle, the term 'emergency health professionals' means—

''(A) mental health professionals, including psychiatrists, psychologists, social workers, counselors, psychiatric nurses, psychiatric aides and case managers, and group home staff;

''(B) public health and healthcare professionals, including skilled nursing and assisted living professionals;

''(C) emergency services personnel such as police, fire, and emergency medical services personnel;

''(D) county emergency managers;

''(E) school personnel such as teachers, counselors, and other personnel;

''(F) spiritual care professionals;

''(G) other disaster relief personnel; and

''(H) State and local government officials that are responsible for emergency preparedness.

''(2) ESTABLISHMENT.—The Secretary, in consultation with the Director of the Centers for Disease Control and Prevention, shall establish the National Center for Public Mental Health Emergency Preparedness (referred to in this subtitle as the 'NCPMHEP') to address mental health concerns and coordinate and implement the development and delivery of mental health services in conjunction with the entities described in subsection (b)(2), in the event of bioterrorism or other public health emergency.

''(3) LOCATION; DIRECTOR.—

''(A) IN GENERAL.—The Secretary shall offer to enter into a contract with an eligible institution to provide the location of the NCPMHEP.

''(B) ELIGIBLE INSTITUTION.—To be an eligible institution under subparagraph (A), an institution shall—

''(i) be an academic medical center or similar institution that has prior experience conducting statewide trainings, and has a demonstrated record of leadership in national and international forums, in public mental health emergency preparedness, which may include disaster mental health preparedness; and

''(ii) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(C) DIRECTOR.—The NCPMHEP shall be headed by a Director, who shall be appointed by the Secretary (referred to in this subtitle as the 'Director') from the eligible institution with which the Secretary contracts under subparagraph (A).

''(b) DUTIES.—The NCPMHEP shall—

''(1) prepare the Nation's emergency health professionals to provide mental health services in the aftermath of catastrophic events, such as bioterrorism or other public health emergencies, that present psychological consequences for communities and individuals, particularly vulnerable populations such as older Americans, children, and persons with disabilities; and

''(2) coordinate with existing mental health preparedness and service delivery efforts of—

''(A) Federal agencies (such as the National Disaster Medical System, the Medical Reserve Corps, the Substance Abuse and Mental Health Services Administration, the Department of Defense, the Department of Veterans Affairs, and tribal nations);

''(B) State agencies (such as the State mental health authority, office of substance abuse services, public health authority, department of aging, and the office of mental retardation and developmental disabilities);

''(C) local agencies (such as county offices of mental health and substance abuse services, public health, child and family services, law enforcement, fire, emergency medical services, school districts, and county emergency management); and

''(D) other governmental and nongovernmental disaster relief organizations.

''(c) PANEL OF EXPERTS.—

''(1) IN GENERAL.—The Director, in consultation with State and local mental health and public health authorities, shall develop a mechanism to appoint a panel of experts for the NCPMHEP.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The panel of experts appointed under paragraph (1) shall be—

''(i) composed of individuals who are experts in their respective fields with extensive

experience in public mental health emergency preparedness or service delivery, such as mental health professionals, researchers, spiritual care professionals, school counselors, and educators; and

''(ii) recommended by their respective national professional organizational or university to such a position.

''(B) TERMS.—The members of the panel of experts appointed under paragraph (1)—

''(i) shall be appointed for a term of 3 years; and

''(ii) may be reappointed for an unlimited number of terms.

''(C) BALANCE OF COMPOSITION.—The Director shall ensure that the membership composition of the panel of experts fairly represents a balance of the type and number of experts described under subparagraph (A).

''(D) VACANCIES.—

''(i) IN GENERAL.—A vacancy on the panel of experts shall be filled in the manner in which the original appointment was made and shall be subject to conditions which applied with respect to the original appointment.

''(ii) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

''(iii) EXPIRATION OF TERMS.—The term of any member shall not expire before the date on which the member's successor takes office.

''SEC. 2822. TRAINING CURRICULA FOR EMERGENCY HEALTH PROFESSIONALS.

''(a) IN GENERAL.—The Director shall convene a Training Curricula Working Group from the panel of experts described in section 2821(c) to—

''(1) identify and review existing training curricula for emergency health professionals;

''(2) approve any such training curricula that satisfy practice and service delivery standards determined by the Training Curricula Working Group and that are evidence-based; and

''(3) make recommendations for, and participate in, the development of any additional training curricula, as determined necessary by the Training Curricula Working Group.

''(b) PURPOSE OF TRAINING CURRICULA.—The Training Curricula Working Group shall ensure that the training curricula approved by the NCPMHEP—

''(1) provide the knowledge and skills necessary to respond effectively to the psychological needs of affected individuals, relief personnel, and communities in the event of bioterrorism or other public health emergency; and

''(2) is used to build a trained network of emergency health professionals at the State and local levels.

''(c) CONTENT OF TRAINING CURRICULA.—

''(1) IN GENERAL.—The Training Curricula Working Group shall ensure that the training curricula approved by the NCPMHEP—

''(A) prepare emergency health professionals, in the event of bioterrorism or other public health emergency, for identifying symptoms of mental health distress, supplying immediate relief to keep affected persons safe, recognizing when to refer affected persons for further mental healthcare, understanding how and where to refer for such care, and other components as determined by the Director in consultation with the Training Curricula Working Group;

''(B) include training or informational material designed to educate and prepare State and local government officials, in the event of bioterrorism or other public health emergency, in coordinating and deploying mental health resources and services and in addressing other mental health needs, as determined by the Director in consultation with the Training Curricula Working Group; and

''(C) meet the diverse training needs of the range of emergency health professionals.

''(2) REVIEW OF CURRICULA.—The Training Curricula Working Group shall routinely review existing training curricula and participate in the revision of the training curricula described under this section as necessary, taking into consideration recommendations made by the participants of the annual national forum under section 2825 and the Assessment Working Group described under section 2826.

''(d) TRAINING INDIVIDUALS.—

''(1) FIELD TRAINERS.—The Director, in consultation with the Training Curricula Working Group, shall develop a mechanism through which qualified individuals trained through the curricula approved by the NCPMHEP return to their communities to recruit and train others in their respective fields to serve on local emergency response teams.

''(2) FIELD LEADERS.—The Director, in consultation with the Training Curricula Working Group, shall develop a mechanism through which qualified individuals trained in curricula approved by the NCPMHEP return to their communities to provide expertise to State and local government agencies to mobilize the mental health infrastructure of such State or local agencies, including ensuring that mental health is a component of emergency preparedness and service delivery of such agencies.

''(3) QUALIFICATIONS.—The individuals selected under paragraph (1) or (2) shall—

''(A) pass a designated evaluation, as developed by the Director in consultation with the Training Curricula Working Group; and

''(B) meet other qualifications as determined by the Director in consultation with the Training Curricula Working Group.

''SEC. 2823. USE OF REGISTRIES TO TRACK TRAINED EMERGENCY HEALTH PROFESSIONALS.

''(a) IN GENERAL.—The Director, in consultation with the mental and public health authorities of each State, shall coordinate the use of existing emergency registries established to track medical and mental health volunteers across all fields and specifically to track the individuals in the State who have been trained using the curricula approved by the NCPMHEP under section 2822. The Director shall ensure that the data available through such registries and used to track such trained individuals will be recoverable and available in the event that such registries become inoperable.

''(b) USE OF REGISTRY.—The tracking procedure under subsection (a) shall be used by the Secretary, the Secretary of Homeland Security, and the Governor of each State, for the recruitment and deployment of trained emergency health professionals in the event of bioterrorism or other public health emergency.

''SEC. 2824. CLEARINGHOUSE FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS AND SERVICE DELIVERY.

''(a) IN GENERAL.—The Director shall establish and maintain a central clearinghouse of educational materials, guidelines, information, strategies, resources, and research on public mental health emergency preparedness and service delivery.

''(b) DUTIES.—The Director shall ensure that the clearinghouse—

''(1) enables emergency health professionals and other members of the public to increase their awareness and knowledge of public mental health emergency preparedness and service delivery; and

''(2) provides such users with access to a range of public mental health emergency resources and strategies to address their community's unique circumstances and to improve their skills and capacities for addressing mental health problems in the event of bioterrorism or other public health emergency.

''(c) AVAILABILITY.—The Director shall ensure that the clearinghouse—

''(1) is available on the Internet;

''(2) includes an interactive forum through which users' questions are addressed;

''(3) provides links to additional Government-sponsored or other relevant websites that supply information on public mental health emergency preparedness and service delivery; and

''(4) includes the training curricula approved by the NCPMHEP under section 2822.

''(d) CLEARINGHOUSE WORKING GROUP.—

''(1) IN GENERAL.—The Director shall convene a Clearinghouse Working Group from the panel of experts described under section 2821(c) to—

''(A) evaluate the educational materials, guidelines, information, strategies, resources and research maintained in the clearinghouse to ensure empirical validity; and

''(B) offer technical assistance to users of the clearinghouse with respect to finding and selecting the information and resources available through the clearinghouse that would most effectively serve their community's needs in preparing for, and delivering mental health services during, bioterrorism or other public health emergencies.

''(2) TECHNICAL ASSISTANCE.—The technical assistance described under paragraph (1) shall include the use of information from the clearinghouse to provide consultation, direction, and guidance to State and local governments and public and private agencies on the development of public mental health emergency plans for activities involving preparedness, mitigation, response, recovery, and evaluation.

''SEC. 2825. ANNUAL NATIONAL FORUM FOR PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS AND SERVICE DELIVERY.

''(a) IN GENERAL.—The Director shall organize an annual national forum to address public mental health emergency preparedness and service delivery for emergency health professionals, researchers, scientists, and experts in public mental health emergency preparedness and service delivery, as well as personnel from relevant Federal, State, and local agencies and other governmental and nongovernmental organizations.

''(b) PURPOSE OF FORUM.—The national forum shall provide the framework for bringing such individuals together to, based on evidence-based research and practice, identify and address gaps in science, practice, policy, and education, make recommendations for the revision of training curricula and for the enhancement of mental health interventions, as appropriate, and make other recommendations as necessary.

''SEC. 2826. EVALUATION OF THE EFFECTIVENESS OF PUBLIC MENTAL HEALTH EMERGENCY PREPAREDNESS AND SERVICE DELIVERY EFFORTS.

''(a) IN GENERAL.—The Director shall convene an Assessment Working Group from the panel of experts described in section 2821(c) to evaluate the effectiveness of the NCPMHEP's efforts and those across the Federal Government in building the Nation's public mental health emergency preparedness and service delivery capacity.

''(b) DUTIES OF THE ASSESSMENT WORKING GROUP.—The Assessment Working Group shall—

''(1) evaluate—

''(A) the effectiveness of each component of the NCPMHEP, including the identification and development of training curricula,

the clearinghouse, and the annual national forum;

''(B) the effects of the training curricula on the skills, knowledge, and attitudes of emergency health professionals and on their delivery of mental health services in the event of bioterrorism or other public health emergency;

''(C) the effects of the NCPMHEP on the capacities of State and local government agencies to coordinate, mobilize, and deploy resources and to deliver mental health services in the event of bioterrorism or other public health emergency; and

''(D) other issues as determined by the Secretary, in consultation with the Assessment Working Group; and

''(2) submit the annual report required under subsection (c).

''(c) ANNUAL REPORT.—On an annual basis, the Assessment Working Group shall—

''(1) report to the Secretary and appropriate committees of Congress the results of the evaluation by the Assessment Working Group under this section; and

''(2) publish and disseminate the results of such evaluation on as wide a basis as is practicable, including through the NCPMHEP clearinghouse website under section 2824.

''(d) RECOMMENDATIONS.—

''(1) IN GENERAL.—Based on the annual report, the Director, in consultation with the Assessment Working Group, shall make recommendations to the Secretary—

''(A) for improving—

''(i) the training curricula identified and approved by the NCPMHEP;

''(ii) the NCPMHEP clearinghouse; and

''(iii) the annual forum of the NCPMHEP; and

''(B) regarding any other matter related to improving mental health preparedness and service delivery in the event of bioterrorism or other public health emergency in the United States through the NCPMHEP.

''(2) ACTION BY SECRETARY.—Based on the recommendations provided under paragraph (1), the Secretary shall submit recommendations to Congress for any legislative changes necessary to implement such recommendations.

''SEC. 2827. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this subtitle—

''(1) $15,000,000 for fiscal year 2007; and

''(2) such sums as may be necessary for fiscal years 2008 through 2011.''.

By Mr. GRAHAM:

S. 3542. A bill to improve maritime and cargo security and for other purpose; to the Committee on Commerce, Science, and Transportation.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the text of the Project Seahawk Implementation Act be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Project SeaHawk Implementation Act of 2006''.

SEC. 2. ESTABLISHMENT OF ADDITIONAL INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall establish or designate a center as an interagency operational centers for maritime and port security in each geographic region designated as a Coast Guard sector by the Commandant.

(b) PURPOSES.—The purposes of each center established or designated under subsection (a) are to facilitate day-to-day operational coordination, interagency cooperation, unity of command, and the sharing of intelligence information in a common mission to provide greater protection for port and intermodal transportation systems against acts of terrorism.

(c) LOCATION.—Each center established or designated under subsection (a) shall be colocated with the command center for each geographic region designated as a Coast Guard sector.

(d) CONNECTIVITY.—If a port is associated with a command center that is not located at such port, the Secretary shall utilize appropriate electronic communications, including virtual connectivity, to maintain awareness of activities of that port and to provide for participation by the entities set out is subsection (f).

(e) REQUIREMENTS.—Each center established or designated under subsection (a) shall—

(1) be modeled on the Charleston Harbor Operations Center (popularly known as Project SeaHawk) administered by the United States Attorney's Office for the District of South Carolina for the Port of Charleston located in Charleston, South Carolina; and

(2) be adapted to meet the security needs, requirements, and resources of the individual port area at which each is operating.

(f) PARTICIPATION.—The representatives of the following entities shall participate in each center established or designated under subsection (a):

(1) The United States Coast Guard.

(2) The United States Attorney's Office in the district in which the center is located.

(3) The Bureau of Customs and Border Protection of the Department of Homeland Security.

(4) The Bureau of Immigration and Customs Enforcement of the Department of Homeland Security.

(5) The Department of Defense, if the Secretary of Homeland Security and the Secretary of Defense determine appropriate.

(6) The Federal Bureau of Investigation.

(7) Other Federal agencies with a presence at the port, as appropriate, or as otherwise determined appropriate by the Secretary.

(8) State and local law enforcement and first responder agencies responsible for the port, as appropriate, or as otherwise determined appropriate by the Secretary.

(9) Port authority representatives, maritime exchanges, private sector stakeholders, and other entities subject to an Area Maritime Security Plan prepared pursuant to part 103 of title 33, Code of Federal Regulations, if determined appropriate by the Secretary.

(g) RESPONSIBILITIES.—The head of each center established or designated under subsection (a) shall—

(1) assist, as appropriate, in the implementation of maritime transportation security plans developed under section 70103 of title 46, United States Code;

(2) implement the transportation security incident response plans required under section 70104 of such title;

(3) be incorporated into the implementation of maritime intelligence activities under section 70113 of such title;

(4) conduct short- and long-range vessel tracking under sections 70114 and 70115 of such title;

(5) be incorporated into the implementation of section 70116 of such title;

(6) carry out information sharing activities consistent with such activities required by section 1016 of the National Security Intelligence Reform Act of 2004 (6 U.S.C. 485) or the Homeland Security Information Sharing Act (6 U.S.C. 481 et seq.);

(7) be incorporated into the screening and high-risk cargo inspection programs carried out by the Bureau of Customs and Border Protection; and

(8) carry out such other responsibilities that the Secretary of Homeland Security determines are appropriate.

SEC. 3. REPORT.

(a) REQUIREMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations, the Committee on Homeland Security, and the Committee on Energy and Commerce of the House of Representatives a plan for the implementation of this Act.

(b) CONTENTS.—The report submitted under subsection (a) shall describe, for each center that will be established under section 2(a)—

(1) the location of such center;

(2) the entities who will participate in the center;

(3) the cost to establish and operate the center; and

(4) the resources necessary to operate and maintain, including the cost-sharing requirements for other agencies and participants.

SEC. 4. RELATIONSHIP TO OTHER REQUIREMENTS.

The Commandant of the Coast Guard shall utilize information developed for the report required by section 807 of the Coast Guard and Maritime Transportation Act of 2004 (Public Law 108–293; 118 Stat. 1082) to carry out the requirements of this Act. The Commandant shall utilize the information developed for the report required by that section in carrying out the requirements of this Act.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for each Coast Guard sector for fiscal years 2007 through 2012 to carry out this Act.

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. DURBIN, Mr. CHAFEE, Mr. INOUYE, Ms. CANTWELL, Mr. NELSON of Florida, Mrs. BOXER, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. LIEBERMAN, and Ms. COLLINS):

S. 3543. A bill to improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise today with Senators SNOWE, DURBIN, CHAFEE, INOUYE, COLLINS, CANTWELL, BILL NELSON, BOXER, LAUTENBERG, MENENDEZ, and LIEBERMAN to introduce a bill to increase CAFE standards by 10 miles in 10 years.

This is a commonsense, bipartisan approach to reduce our dependence on foreign oil, decrease our greenhouse gas emissions, and save consumers at the pump.

We have the technology available today to increase the fuel economy of our vehicles. We just need the political will—which is why we are here today.

Specifically, our bill would raise the average fuel economy of all cars and SUVs to 35 miles per gallon by model year 2017.

This would save 2.5 million barrels of oil per day by 2025. That is the same amount of oil we currently import from the Persian Gulf.

This bill would also save consumers dollars at the pump. At $3 per gallon, Americans driving 15,000 miles per year are, on average, using 600 gallons of gasoline and spending $1,800 per year on gas.

By raising CAFE standards to 35 miles per gallon, consumers would only use 429 gallons of gas per year, costing $1,287 per year for gas. That is a savings of $513 per year at the pump.

Assuming the consumer keeps the vehicle for at least 5 years, that is a savings of more than $2,500—more than enough to recoup the cost of more efficient vehicles.

Raising CAFE standards is also good for the environment. The two largest culprits of climate change are coal-fired powerplants and automobiles. Coal powerplants are the largest U.S. source of carbon dioxide—producing 2.5 billion tons every year. But the automobile isn't very far behind—producing nearly 1.5 billion tons of carbon dioxide every year. In fact, every gallon of gasoline burned emits 20 pounds of harmful CO_2 into the atmosphere. That means that each car is responsible for about 12,000 pounds of greenhouse gas emissions every year. This legislation would take a good first step at reducing our greenhouse gas emissions.

By 2025, an average fuel economy standard of 35mpg would eliminate 420 million metric tons of carbon dioxide emissions—the equivalent of taking 90 million cars—or 75 million cars and light trucks—off the road in 1 year.

Our daily driving habits are costing consumers at the pump, threatening our national security, and potentially causing irrevocable harm to our environment. We have the technology available today to make significant increases in fuel economy standards. In fact, David Greene of Oak Ridge National Laboratory, a leading expert on fuel economy, says that a 35 mpg standard by model year 2017 is cost effective and can be achieved without reducing the size, weight, or horsepower of vehicles. And 78 percent of U.S. drivers have said they are willing to pay for better fuel economy.

The longer we delay, the harder it will be to kick our addiction to oil. We must act today.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ten-in-Ten Fuel Economy Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

SEC. 3. AVERAGE FUEL ECONOMY STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking ''NON-PASSENGER AUTOMOBILES.—'' in subsection (a) and inserting ''PRESCRIPTION OF STANDARDS BY REGULATION.—''; and

(2) by striking ''(except passenger automobiles)''in subsection (a) and inserting ''(except passenger automobiles and light trucks)'';

(3) by striking subsection (b) and inserting the following:

''(b) STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.—

''(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2009 in order to achieve a combined average fuel economy standard for passenger automobiles and light trucks for model year 2017 of at least 35 miles per gallon.

''(2) ELIMINATION OF SUV LOOPHOLE.—Beginning no later than with model year 2011, the regulations prescribed under this section may not make any distinction between passenger automobiles and light trucks.

''(3) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under paragraph (1), the Secretary shall prescribe appropriate annual fuel economy standard increases for passenger automobiles and light trucks that—

''(A) increase the applicable average fuel economy standard ratably beginning with model year 2009 and ending with model year 2017;

''(B) require that each manufacturer achieve—

''(i) a fuel economy standard for passenger automobiles manufactured by that manufacturer of at least 31.1 miles per gallon no later than model year 2009; and

''(ii) a fuel economy standard for light trucks manufactured by that manufacturer of at least 23.6 miles per gallon no later than model year 2009.

''(4) FUEL ECONOMY BASELINE FOR PASSENGER AUTOMOBILES.—Notwithstanding the maximum feasible average fuel economy level established by regulations prescribed under subsection (c), the minimum fleetwide average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year for that manufacturer's domestic fleet and foreign fleet, as calculated under section 32904 of this chapter as in effect before the date of enactment of the Ten-in-Ten Fuel Economy Act, shall be the greater of—

''(i) 27.5 miles per gallon; or

''(ii) 92 percent of the average fuel economy projected by the Secretary for the combined domestic and foreign fleets manufactured by all manufacturers in that model year.

''(5) DEADLINE FOR REGULATIONS.—The Secretary shall promulgate the regulations required by paragraphs (1) and (2) in final form no later than 18 months after the date of enactment of the Ten-in-Ten Fuel Economy Act.''.

SEC. 4. PASSENGER CAR PROGRAM REFORM.

Section 32902 of title 49, United States Code, is amended—

(1) by striking ''gallon.'' in subsection (b)(1), as amended by section 3, and inserting ''gallon or such other number (or numbers) of miles per gallon as the Secretary may prescribe under subsection (c).'';

2) by striking ''the standard'' in the first sentence of subsection (c)(1) and inserting ''a standard'';

(3) by striking ''the standard.'' in the second sentence of subsection (c)(1) and inserting ''any standard prescribed under subsection (b).'';

(4) by inserting ''The Secretary may prescribe separate standards for different classes of passenger automobiles.'' after ''presentation.'' in subsection (c)(1);

(5) by striking ''(1) Subject to paragraph (2) of this subsection, the'' in subsection (c)(1) and inserting ''At least 18 months before the beginning of each model year, the''; and

(6) by striking paragraph (2) of subsection (c).

SEC. 5. DEFINITION OF WORK TRUCK.

(a) DEFINITION OF WORK TRUCK.—Section 32901(a) of title 49 is amended by inserting after paragraph 11 the following:

''(11A) 'work truck' means an automobile that the Secretary determines by regulation—

''(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

''(B) is not a medium duty passenger vehicle as defined in 40 C.F.R. 86.1803–01.''.

(b) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(1) shall issue proposed regulations implementing the amendment made by subsection (a) not later than 1 year after the date of enactment of this Act; and

(2) shall issue final regulations implementing the amendment not later than 18 months after the date of enactment of this Act.

(c) FUEL ECONOMY STANDARDS FOR WORK TRUCKS.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall prescribe standards to achieve the maximum feasible fuel economy for work trucks (as defined in section 32901(a)(11A) of title 49, United States Code) manufactured by a manufacturer in each model year beginning in model year 2011.

SEC. 6. DEFINITION OF LIGHT TRUCK.

(a) DEFINITION OF LIGHT TRUCK.—

(1) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended by inserting after paragraph (11) the following:

''(11B) 'light truck' means an automobile that the Secretary determines by regulation—

''(A) is manufactured primarily for transporting not more than 10 individuals;

''(B) is rated at not more than 10,000 pounds gross vehicle weight;

''(C) is not a passenger automobile; and

''(D) is not a work truck.''.

(2) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(A) shall issue proposed regulations implementing the amendment made by paragraph

(1) not later than 1 year after the date of the enactment of this Act; and

(B) shall issue final regulations implementing the amendment not later than 18 months after the date of the enactment of this Act.

(3) EFFECTIVE DATE.—Regulations prescribed under paragraph (1) shall apply beginning with model year 2009.

(b) APPLICABILITY OF EXISTING STANDARDS.—This section does not affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2009.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation to carry out the provisions of chapter 329 of title 49, United States Code, $25,000,000 for each of fiscal years 2007 through 2019.

SEC. 7. ENSURING SAFETY OF PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) IN GENERAL.—The Secretary of Transportation shall exercise such authority under Federal law as the Secretary may have to ensure that—

(1) passenger automobiles and light trucks (as those terms are defined in section 32901 of title 49, United States Code) are safe;

(2) progress is made in improving the overall safety of passenger automobiles and light trucks; and

(3) progress is made in maximizing United States employment.

(b) VEHICLE SAFETY.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

''§ 30129. Vehicle compatibility and aggressivity reduction standard

''(a) STANDARDS.—The Secretary of Transportation shall issue a motor vehicle safety standard to reduce vehicle incompatibility and aggressivity between passenger vehicles and non-passenger vehicles. The standard shall address characteristics necessary to ensure better management of crash forces in multiple vehicle frontal and side impact crashes between different types, sizes, and weights of vehicles with a gross vehicle weight of 10,000 pounds or less in order to decrease occupant deaths and injuries.

''(b) CONSUMER INFORMATION.—The Secretary shall develop and implement a public information side and frontal compatibility crash test program with vehicle ratings based on risks to occupants, risks to other motorists, and combined risks by vehicle make and model.''.

(c) RULEMAKING DEADLINES.—

(1) RULEMAKING.—The Secretary of Transportation shall issue—

(A) a notice of a proposed rulemaking under section 30129 of title 49, United States Code, not later than January 1, 2008; and

(B) a final rule under that section not later than December 31, 2009.

(2) EFFECTIVE DATE OF REQUIREMENTS.—Any requirement imposed under the final rule issued under paragraph (1) shall become fully effective no later than September 1, 2012.

(d) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 is amended by inserting after the item relating to section 30128 the following:

''30129. Vehicle compatibility and aggressivity reduction standard''.

SEC. 8. TRUTH IN FUEL ECONOMY TESTING.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall, as appropriate, use existing emission test cycles and updated adjustment factors to update and revise the process used to determine fuel economy values for labeling purposes as described in sections 600.209-85 and 600.209-95 of title 40, Code of Federal Regulations, (or successor regulations) to take into consideration current factors, such as—

(1) speed limits;

(2) acceleration rates;

(3) braking;

(4) variations in weather and temperature;

(5) vehicle load;

(6) use of air conditioning;

(7) driving patterns; and

(8) the use of other fuel-consuming features.

(b) LABELS FOR FUEL ECONOMY MODE DEVICES.—The Administrator of the Environmental Protection Agency shall include fuel economy label information for all fuel economy modes provided by devices described in section 9(a)(3) of this Act.

(c) DEADLINE.—In carrying out subsection (a), the Administrator shall—

(1) issue a notice of proposed rulemaking, or amend the notice of proposed rulemaking for Docket Id. No. OAR–2003–0214, not later than 90 days after the date of enactment of this Act; and

(2) promulgate a final rule not later than 180 days after the date on which the notice under paragraph (1) is issued.

(d) USE OF COMMON MEASUREMENTS FOR LABELLING AND COMPLIANCE TESTING.—Section 32904(c) of title 49, United States Code, is amended to read as follows:

''(c) TESTING AND CALCULATION PROCEDURES.—The Administrator shall measure fuel economy for each model and calculate average fuel economy for a manufacturer using the same procedures and factors used by the Administrator for labeling purposes under section 32908 by model year 2015.''.

(e) REEVALUATION AND REPORT.—Not later than 3 years after the date of promulgation of the final rule under subsection (b)(2), and triennially thereafter, the Administrator shall—

(1) reevaluate the fuel economy labeling procedures described in subsections (a) and (c) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce that describes the results of the reevaluation process.

SEC. 9. ONBOARD FUEL ECONOMY INDICATORS AND DEVICES.

(a) IN GENERAL.—Chapter 329 of title 49, United States Code, as amended by section 8, is further amended by adding at the end the following:

''§ 32921. Fuel economy indicators and devices

''(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall prescribe a fuel economy standard for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2013 that requires each such automobile and light truck to be equipped with—

''(1) an onboard electronic instrument that provides real-time and cumulative fuel economy data;

''(2) an onboard electronic instrument that signals a driver when inadequate tire pressure may be affecting fuel economy; and

''(3) a device that will allow drivers to place the automobile or light truck in a mode that will automatically produce greater fuel economy.

''(b) EXCEPTION.—Subsection (a) does not apply to any vehicle that is not subject to an average fuel economy standard under section 32902(b).

''(c) ENFORCEMENT.—Subchapter IV of chapter 301 of this title shall apply to a fuel economy standard prescribed under subsection (a) to the same extent and in the same manner as if that standard were a motor vehicle safety standard under chapter 301.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 329 of title 49, United States Code, as amended by section 8, is further amended by inserting after the item relating to section 32920 the following:

''32921. Fuel economy indicators and devices''.

SEC. 10. SECRETARY OF TRANSPORTATION TO CERTIFY BENEFITS.

Beginning with model year 2009, the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall determine and certify annually to the Congress—

(1) the annual reduction in United States consumption of gasoline or petroleum distillates used for vehicle fuel, and

(2) the annual reduction in greenhouse gas emissions,

properly attributable to the implementation of the average fuel economy standards imposed under section 32902 of title 49, United States Code, as a result of the amendments made by this Act.

SEC. 11. CREDIT TRADING PROGRAM.

Section 32903 of title 49, United States Code, is amended—

(1) by striking ''passenger'' each place it appears;

(2) by striking ''section 32902(b)–(d) of this title'' each place it appears and inserting ''subsection (a), (c), or (d) of section 32902'';

(3) by striking ''clause (1) of this subsection'' in subsection (a)(2) and inserting ''paragraph (1)''; and

(4) by striking subsection (e) and inserting the following:

''(e) CREDIT TRADING AMONG MANUFACTURERS.—The Secretary of Transportation may establish, by regulation, a corporate average fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section 32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards.''.

SEC. 12. REPORT TO CONGRESS.

Not later than December 31, 2012, the Secretary of Transportation shall submit to Congress a report on the progress made by the automobile manufacturing industry towards meeting the 35 miles per gallon average fuel economy standard required under section 32902(b)(4) of title 49, United States Code.

SEC. 13. LABELS FOR FUEL ECONOMY AND GREENHOUSE GAS EMISSIONS.

Section 32908 of title 49,United States Code, is amended—

(1) by striking ''title.'' in subsection (a)(1) and inserting ''title, and a light truck (as defined in section 32901(a)(11A)) manufactured by a manufacturer in a model year after model year 2009; and'';

(2) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H), and inserting after subparagraph (E) the following:

''(F) a label (or a logo imprinted on a label required by this paragraph) that—

''(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

''(ii) permits consumers to compare performance results under clause (i) among all passenger automobiles and light duty trucks (as defined in section 32901); and

''(ii) is designed to encourage the manufacture and sale of passenger automobiles and light trucks that meet or exceed applicable fuel economy standards under section 32902.

''(G) a fuelstar under paragraph (5).''; and

(3) by adding at the end of subsection (b) the following:

''(4) GREEN LABEL PROGRAM.—

''(A) MARKETING ANALYSIS.—Within 2 years after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Administrator shall complete a study of social marketing strategies with the goal of maximizing consumer understanding of point-of-sale labels or logos described in paragraph (1)(F).

''(B) ELIGIBILITY.—Within 3 years after that date, the Administrator shall issue requirements for the label or logo required by paragraph (1)(F) to ensure that a passenger automobile or light truck is not eligible for the label or logo unless it—

''(i) meets or exceeds the applicable fuel economy standard; or

''(ii) will have the lowest greenhouse gas emissions over the useful life of the vehicle of all vehicles in the vehicle class to which it belongs in that model year.

''(C) CRITERIA.—In developing criteria for the label or logo, the Administrator shall also consider, among others as appropriate, the following factors:

''(i) The recyclability of the automobile.

''(ii) Any other pollutants or harmful byproducts related to the automobile, which may include those generated during manufacture of the automobile, those issued during use of the automobile, or those generated after the automobile ceases to be operated.

''(5) FUELSTAR PROGRAM.—

''(A) IN GENERAL.—The Secretary shall establish a program, to be known as the 'fuelstar' program, under which stars shall be imprinted on or attached to the label required by paragraph (1).

''(B) GREEN STARS.—Under the program a manufacturer may place green stars on the label maintained on an automobile under paragraph (1) as follows:

''(i) 1 green star for any automobile that meets the average fuel economy standard for the model year under section 32902.

''(ii) 1 additional green star for each 2 miles per gallon by which the automobile exceeds that standard.

''(C) GOLD STARS.—Under the program a manufacturer may place a gold star on the label maintained on an automobile under paragraph (1) if—

''(i) in the case of a passenger automobile, it obtains a fuel economy of 50 miles per gallon or more; and

''(ii) in the case of a light truck, it obtains a fuel economy of 37 miles per gallon or more.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 517—COMMENDING THE CAROLINA HURRICANES FOR WINNING THE 2006 NATIONAL HOCKEY LEAGUE STANLEY CUP

Mrs. DOLE (for herself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 517

Whereas on June 19, 2006, the Carolina Hurricanes toppled the Edmonton Oilers in one of the most exciting National Hockey League (NHL) Finals in history by a score of 3–1 in the seventh and final game;

Whereas this is the first Stanley Cup for the Carolina Hurricanes;

Whereas the Hurricanes are the first professional sports team in North Carolina history to win a major sports championship;

Whereas the Hurricanes finished at the top of the Southeast Division of the Eastern Conference during the regular season with a record of 52–22–8;

Whereas the Hurricanes rallied from a 2-game deficit, winning 4 consecutive games to defeat the Montreal Canadians in the first round of the playoffs;

Whereas the Hurricanes rolled over the New Jersey Devils in the second round of the playoffs, winning the series in only 5 games;

Whereas the Hurricanes showed their desire to win a championship by defeating the Buffalo Sabres in the seventh game of the Eastern Conference Finals to advance to the Stanley Cup Finals;

Whereas in Game 1 of the Stanley Cup Finals the Hurricanes became only the sixth team in NHL Finals history to overcome a 3-goal deficit to win;

Whereas Cam Ward became the first rookie goaltender to win a Stanley Cup in 20 years, and with 22 saves in Game 7, was named the MVP of the playoffs, becoming the fourth rookie and second-youngest player to be awarded the Conn Smythe Trophy;

Whereas Hurricanes head coach Peter Laviolette won his first Stanley Cup in his first full season at the helm of the team;

Whereas defensemen Aaron Ward and Frantisek Kaberle scored goals during the first period in Game 7 to put the Hurricanes up 2–0;

Whereas with the team only 1 goal ahead, Justin Williams sealed the 3–1 victory with an empty net goal in the final minute of the game;

Whereas a sold-out crowd of 18,978 at the RBC Center in Raleigh, North Carolina celebrated as the final horn sounded, announcing the Hurricanes' championship;

Whereas the Hurricanes veteran captain Rod Brind'Amour, who demonstrated great leadership throughout the entire season, won his first Stanley Cup and was the first to accept the Cup from NHL commissioner Gary Bettman by hoisting the historic trophy over his head in victory;

Whereas assistant captain Glen Wesley, who has played in more playoff games than any other active NHL player, won his first Stanley Cup at age 37;

Whereas 21-year-old Eric Staal became the youngest player to lead the playoffs in scoring since Gordie Howe in 1949;

Whereas hockey now joins college basketball and NASCAR as the favorite pastimes of North Carolina;

Whereas each player from the Hurricanes championship team will have his name forever etched on the Stanley Cup; and

Whereas North Carolina will be home to the Stanley Cup for at least the next year: Now, therefore, be it

Resolved, That the Senate—

(1) applauds the Carolina Hurricanes for winning the 2006 Stanley Cup;

(2) recognizes the achievements of the players, head coach Peter Laviolette, the assistant coaches, and the support staff who all played critical roles in leading the Hurricanes to the championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to Hurricanes owner Peter Karmanos, Jr. and head coach Peter Laviolette for appropriate display.

SENATE RESOLUTION 518—HONORING THE LIFE AND ACCOMPLISHMENTS OF JAMES CAMERON

Mr. FEINGOLD (for himself, Mr. KOHL, Mr. ALLEN, Mr. LAUTENBERG, Mr. LEVIN, Mr. OBAMA, and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 518

Whereas James Cameron founded America's Black Holocaust Museum (the Museum) in Milwaukee, Wisconsin, a compelling memorial in the United States to victims of lynching and racial violence;

Whereas Mr. Cameron was the last living survivor of a lynching until his death on June 11, 2006, at age 92;

Whereas a Senate resolution recognized Mr. Cameron as the Nation's oldest living lynching victim in June 2005 and formally apologized for its failure to outlaw lynching, which killed more than 4,700 people from 1882 to 1968, three-fourths of whom were black;

Whereas seven United States Presidents called for lynching to be outlawed, and the House of Representatives passed bans three times in the early twentieth century, only to have the Senate filibuster each of them, one filibuster lasting six weeks;

Whereas in Marion, Indiana in 1930, when he was 16 years old, Mr. Cameron and two friends, Abe Smith (age 19) and Tommy Shipp (age 18), were falsely accused of killing a Caucasian man and raping his girlfriend;

Whereas after the arrest of the three men, a mob broke into the jail where they were being held and tried to lynch them;

Whereas the mob lynched Mr. Smith and Mr. Shipp but spared Mr. Cameron's life;

Whereas Mr. Cameron was beaten into signing a false confession, convicted in 1931, and paroled in 1935;

Whereas the governor of Indiana pardoned Mr. Cameron in 1993 and apologized to him;

Whereas Mr. Cameron promoted civil and social justice issues and founded three NAACP chapters in Indiana during the 1940s;

Whereas James Cameron served as the Indiana State Director of Civil Liberties from 1942 to 1950, and he investigated over 25 cases involving civil rights violations;

Whereas Mr. Cameron relocated to Wisconsin after receiving many death threats, but he continued civil rights work and played a role in protests to end segregated housing in Milwaukee;

Whereas in 1983, Mr. Cameron published *A Time of Terror*, his autobiographical account of the events surrounding his arrest in 1930;

Whereas Mr. Cameron founded America's Black Holocaust Museum in 1988 in order to preserve the history of lynching in the United States and to recognize the struggle of African-American people for equality;

Whereas the Museum contains the Nation's foremost collection of lynching images, both photographs and postcards, documenting the heinous practice of lynching in the United States;

Whereas the Museum performs a critical role by exposing this painful, dark, and ugly practice in the Nation's history, so that knowledge can be used to promote understanding and to counter racism, fear, and violence;

Whereas the Museum also documents the history of the African-American experience from slavery to the civil rights movement to the present day; and

Whereas the Museum exists to educate the public about injustices suffered by people of African-American heritage, and to provide visitors with an opportunity to rethink assumptions about race and racism: Now, therefore, be it

Resolved, That the Senate honors and celebrates the life and accomplishments of James Cameron and expresses condolences at his passing.

AMENDMENTS SUBMITTED & PROPOSED

SA 4332. Mr. BURNS (for himself and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 4333. Mr. NELSON, of Florida (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4334. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4335. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4336. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4337. Mr. REID (for himself, Mr. DURBIN, Mr. BIDEN, Mr. LEVIN, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4338. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4339. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4340. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4341. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4342. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4343. Mr. BINGAMAN (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4344. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4345. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4346. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4347. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4348. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4349. Mr. WARNER (for Mrs. DOLE (for herself and Mr. JEFFORDS)) proposed an amendment to the bill S. 2766, supra.

SA 4350. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4351. Mr. LEVIN (for Mr. AKAKA (for himself, Ms. COLLINS, Mr. GRASSLEY, Mr. DURBIN, Mr. LEVIN, and Mr. LIEBERMAN)) proposed an amendment to the bill S. 2766, supra.

SA 4352. Mr. WARNER (for Mr. ENSIGN) proposed an amendment to the bill S. 2766, supra.

SA 4353. Mr. LEVIN (for Mr. AKAKA) proposed an amendment to the bill S. 2766, supra.

SA 4354. Mr. WARNER (for Mr. ENSIGN) proposed an amendment to the bill S. 2766, supra.

SA 4355. Mr. WARNER (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 2766, supra.

SA 4356. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, supra.

SA 4357. Mr. LEVIN (for Mr. MENENDEZ (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 2766, supra.

SA 4358. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, supra.

SA 4359. Mr. LEVIN (for Mr. BINGAMAN (for himself and Mr. MENENDEZ)) proposed an amendment to the bill S. 2766, supra.

SA 4360. Mr. WARNER proposed an amendment to the bill S. 2766, supra.

SA 4361. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4362. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4363. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4364. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4365. Mr. CHAMBLISS (for himself, Mr. GRAHAM, Mrs. CLINTON, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4366. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2677, supra; which was ordered to lie on the table.

SA 4367. Mr. OBAMA (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 4368. Mr. NELSON, of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4369. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4370. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4371. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4372. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4373. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 4374. Ms. CANTWELL (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 4375. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4376. Mr. ENZI proposed an amendment to the bill S. 2766, supra.

SA 4377. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4378. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4379. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

SA 4380. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2766, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4332. Mr. BURNS (for himself and Mr. SANTORUM) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 587. FUNERAL CEREMONIES FOR VETERANS.

(a) SUPPORT FOR CEREMONIES BY DETAILS CONSISTING SOLELY OF MEMBERS OF VETERANS AND OTHER ORGANIZATIONS.—

(1) SUPPORT OF CEREMONIES.—Section 1491 of title 10, United States Code, is amended—

(A) by redesignating subsections (e), (f), (g), and (h) as subsections (f), (g), (h), and (i), respectively; and

(B) by inserting after subsection (d) the following new subsection (e):

''(e) FUNERAL CEREMONIES FOR VETERANS PROVIDED BY DETAILS OTHER THAN FUNERAL HONOR DETAILS.—In the case of funeral honors at the funeral of a veteran that are provided by a detail that consists solely of members of veterans organizations or other organizations referred to in subsection (b)(2), the Secretary of the military department of

which the veteran was a member shall support the provision of such funeral honors through provision to each of not more than three persons who participates in the detail the daily stipend prescribed under subsection (d)(2).''.

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (d)(2), by inserting ''and subsection (e)'' after ''paragraph (1)(A)''; and

(B) in paragraph (1) of section (f), as redesignated by subsection (a)(1) of this section, by inserting ''(other than a requirement in subsection (e)'' after ''pursuant to this section''.

(b) USE OF EXCESS M–1 FOR CEREMONIAL AND OTHER PURPOSES.—Section 4683 of such title is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

''(3) Rifles loaned or donated under paragraph (1) may be used by an eligible designee for funeral ceremonies of a member or former member of the armed forces and for other ceremonial purposes.'';

(2) in subsection (c), by inserting after ''accountability'' the following: '', provided that such conditions do not unduly hamper eligible designees from participating in funeral ceremonies of a member or former member of the armed forces or other ceremonies'';

(3) in subsection (d)—

(A) in paragraph (2), by striking ''; or'' and inserting ''or fire department;'';

(B) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following new paragraph:

''(4) any other member in good standing of an organization described in paragraphs (1), (2), or (3).''; and

(4) by adding at the end the following new subsection:

''(e) ELIGIBLE DESIGNEE DEFINED.—In this section, the term 'eligible designee' means a designee of an eligible organization who—

''(1) is a spouse, son, daughter, nephew, niece, or other family relation of a member or former member of the armed forces;

''(2) is at least 18 years of age; and

''(3) has successfully completed a formal firearm training program or a hunting safety program.''.

SA 4333. Mr. NELSON of Florida (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 662. PILOT PROJECT ON PROVISION OF GOLF CARTS ACCESSIBLE FOR DISABLED PERSONS AT MILITARY GOLF COURSES.

(a) PILOT PROJECT REQUIRED.—The Secretary of Defense shall conduct a pilot project for the purpose of—

(1) assessing the feasibility of making available, as soon as practicable at all military golf courses in the United States, an adequate supply of golf carts that are accessible for disabled persons authorized to use such courses; and

(2) developing a Department of Defense-wide campaign to increase the awareness among such disabled persons of the availability of accessible golf carts and to promote the use of military golf courses by such disabled persons.

(b) SELECTION OF MILITARY GOLF COURSES.—

(1) NUMBER OF GOLF COURSES.—The Secretary shall conduct the pilot project at five military golf courses selected by the Secretary for purposes of the pilot project, including a military golf course located in the National Capital Region.

(2) CONSIDERATIONS.—The military golf courses so selected shall—

(A) be geographically dispersed; and

(B) be selected after consideration of the relative higher density of disabled members of the Armed Forces and military retirees in the vicinity of their installations.

(3) LIMITATION.—The Secretary may not select a military golf course to participate in the pilot project if that military golf course already has golf carts that are accessible for disabled persons.

(c) REQUIRED NUMBER OF ACCESSIBLE GOLF CARTS.—The Secretary shall provide at least two golf carts accessible to disabled persons at each pilot project location.

(d) ACCEPTANCE OF GOLF CARTS FROM PRIVATE SOURCES.—Notwithstanding any other provision of law, the Secretary may accept and utilize for purposes of the pilot project golf carts accessible to disabled persons that are donated to the Department for purposes of the pilot project.

(e) DEPARTMENT OF DEFENSE HEALTH CARE AWARENESS.—Military medical treatment facilities shall provide information to patients about the pilot project and the availability of golf carts accessible to disabled persons at military golf courses participating in the pilot project and at other military golf courses that already provide such golf carts.

(f) DURATION.—The Secretary shall conduct the pilot project for two years.

(f) REPORT REQUIRED.—Not later than December 31, 2007, the Secretary, acting through the Under Secretary of Defense for Personnel and Readiness, shall submit to the congressional defense committees a report containing—

(1) the results of the pilot project; and

(2) recommendations on the feasibility and advisability of expanding the pilot project to other military golf courses.

SA 4334. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title X, add following:

SEC. 1084. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds authorized to be appropriated by this Act, or any other Act, may be obligated or expended for a purpose as follows:

(1) To establish a permanent United States military installation or base in Iraq.

(2) To exercise United States control over the oil resources of Iraq.

SA 4335. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities for the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IX, add the following:

SEC. 924. INCLUSION OF HOMELAND DEFENSE AND CIVIL SUPPORT MISSIONS OF THE NATIONAL GUARD AND RESERVES IN THE QUADRENNIAL DEFENSE REVIEW.

Section 118(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (15) as paragraph (16); and

(2) by inserting after paragraph (14) the following new paragraph (15):

''(15) The homeland defense mission and the civil support mission of the reserve components of the armed forces, including the organization and capabilities required for the reserve components to discharge each such mission.''.

SA 4336. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities for the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 587. REPORT ON OMISSION OF SOCIAL SECURITY NUMBERS ON MILITARY IDENTIFICATION CARDS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the assessment of the Secretary of the feasibility of utilizing military identification cards that do not contain, display or exhibit the Social Security Number of the individual identified by such military identification card.

(b) MILITARY IDENTIFICATION CARD DEFINED.—In this section, the term ''military identification card'' has the meaning given the term ''military ID card'' in section 1060b(b)(1) of title 10, United States Code.

SA 4337. Mr. REID (for himself, Mr. DURBIN, Mr. BIDEN, Mr. LEVIN, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1209. INTELLIGENCE ON IRAN.

(a) SUBMITTAL TO CONGRESS OF UPDATED NATIONAL INTELLIGENCE ESTIMATE ON IRAN.—

(1) SUBMITTAL REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress an updated National Intelligence Estimate on Iran.

(2) NOTICE REGARDING SUBMITTAL.—If the Director determines that the National Intelligence Estimate required by paragraph (1) cannot be submitted by the date specified in that paragraph, the Director shall submit to Congress a report setting forth—

(A) the reasons why the National Intelligence Estimate cannot be submitted by such date; and

(B) an estimated date for the submittal of the National Intelligence Estimate.

(3) FORM.—The National Intelligence Estimate under paragraph (1) shall be submitted in classified form. Consistent with the protection of intelligence sources and methods, an unclassified summary of the key judgments of the National Intelligence Estimate should be submitted.

(4) ELEMENTS.—The National Intelligence Estimate submitted under paragraph (1) shall address the following:

(A) The foreign policy and regime objectives of Iran.

(B) The current status of the nuclear programs of Iran, including—

(i) an assessment of the current and projected capabilities of Iran to design a nuclear weapon, to produce plutonium, enriched uranium, and other weapons materials, to build a nuclear weapon, and to deploy a nuclear weapon; and

(ii) an assessment of the intentions of Iran regarding possible development of nuclear weapons, the motivations underlying such intentions, and the factors that might influence changes in such intentions.

(C) The military and defense capabilities of Iran, including any non-nuclear weapons of mass destruction programs and related delivery systems.

(D) The relationship of Iran with terrorist organizations, the use by Iran of terrorist organizations in furtherance of its foreign policy objectives, and the factors that might cause Iran to reduce or end such relationships.

(E) The prospects for support from the international community for various potential courses of action with respect to Iran, including diplomacy, sanctions, and military action.

(F) The anticipated reaction of Iran to the courses of action set forth under subparagraph (E), including an identification of the course or courses of action most likely to successfully influence Iran in terminating or moderating its policies of concern.

(G) The level of popular and elite support within Iran for the Iran regime, and for its civil nuclear program, nuclear weapons ambitions, and other policies, and the prospects for reform and political change within Iran.

(H) The views among the populace and elites of Iran with respect to the United States, including views on direct discussions with or normalization of relations with the United States.

(I) The views among the populace and elites of Iran with respect to other key countries involved in nuclear diplomacy with Iran.

(J) The likely effects and consequences of any military action against the nuclear programs or other regime interests of Iran.

(K) The confidence level of key judgments in the National Intelligence Estimate, the quality of the sources of intelligence on Iran, the nature and scope of any gaps in intelligence on Iran, and any significant alternative views on the matters contained in the National Intelligence Estimate.

(b) PRESIDENTIAL REPORT ON POLICY OBJECTIVES AND UNITED STATES STRATEGY REGARDING IRAN.—

(1) REPORT REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report on the following:

(A) The objectives of United States policy on Iran.

(B) The strategy for achieving such objectives.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form with a classified annex, as appropriate.

(3) ELEMENTS.—The report submitted under paragraph (1) shall—

(A) address the role of diplomacy, incentives, sanctions, other punitive measures and incentives, and other programs and activities relating to Iran for which funds are provided by Congress; and

(B) summarize United States contingency planning regarding the range of possible United States military actions in support of United States policy objectives with respect to Iran.

(c) DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON PROCESS FOR VETTING AND CLEARING ADMINISTRATION OFFICIALS' STATEMENTS DRAWN FROM INTELLIGENCE.—

(1) REPORT REQUIRED.—As soon as is practicable, but not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the process for vetting and clearing statements of Administration officials that are drawn from or rely upon intelligence.

(2) ELEMENTS.—The report shall—

(A) describe current policies and practices of the Office of the Director of National Intelligence and the intelligence community for—

(i) vetting and clearing statements of senior Administration officials that are drawn from or rely upon intelligence; and

(ii) how significant misstatements of intelligence that may occur in public statements of senior public officials are identified, brought to the attention of any such officials, and corrected;

(B) assess the sufficiency and adequacy of such policies and practices; and

(C) include any recommendations that the Director considers appropriate to improve such policies and practices.

SA 4338. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 151, line 13, strike ''or the Secretary of Defense'' and insert '', the Secretary of Defense, or the Secretary of the military department concerned''.

On page 152, line 21, strike ''or the Secretary of Defense'' and insert '', the Secretary of Defense, or the Secretary of the military department concerned''.

SA 4339. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 549, between lines 2 and 3, insert the following:

SEC. 2834. ESTABLISHMENT OF DEFENSE BASE CLOSURE AND REALIGNMENT REVIEW BOARD.

The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new section:

''SEC. 2915. DEFENSE BASE CLOSURE AND REALIGNMENT REVIEW BOARD.

''(a) ESTABLISHMENT.—There is established an independent board to be known as the Defense Base Closure and Realignment Review Board (hereafter in this section referred to as the 'Board').

''(b) MEMBERSHIP.—

''(1) COMPOSITION.—The Board shall be composed of 11 members appointed by the President, of whom—

''(A) 7 shall be voting members, appointed by and with the consent of the Senate, who have broad-based private sector experience in the areas of real estate management, banking, investments, auditing, and national security, of whom—

''(i) 4 shall be nominated by the President based on the respective recommendations of the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives; and

''(ii) one shall be designated by the President to serve as Chairman of the Board;

''(B) 4 shall be non-voting members, serving at the pleasure of the President, of whom—

''(i) one shall be an official of the Department of Defense;

''(ii) one shall be an official of the Environmental Protection Agency; and

''(iii) 2 shall be Federal Government officials (other than the officials described in clauses (i) and (ii)) designated by the President after consultation with the Comptroller General of the United States.

''(2) DATE.—The appointments of the members of the Board shall be made not later than 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2007.

''(c) PERIOD OF APPOINTMENT; VACANCIES.—

''(1) PERIOD OF APPOINTMENT.—Members shall be appointed for a term of not more than 6 years, and may be reappointed by the President. The terms of not more than 4 members may expire during any one year.

''(2) VACANCIES.—Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner as the original appointment and subject to any conditions that applied with respect to the original appointment. An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

''(d) DUTIES.—The Board shall carry out the following duties:

''(1) Ensuring compliance by the Department of Defense and the military departments with the recommendations of the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment.

''(2) Reviewing and analyzing the property conveyance policies of the Office of the Secretary of Defense and the military departments.

''(3) Assessing the effectiveness of such property conveyance policies.

''(4) Assessing the adequacy of funding related to the implementation of the approved recommendations of the Commission, including funding for environmental remediation.

''(e) REPORTS.—

''(1) ANNUAL REPORT.—

''(A) IN GENERAL.—Not later than October 31, 2007, and annually thereafter for the next

4 years, the Board shall submit to Congress and the President a report on the implementation of the recommendations of the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment.

''(B) CONTENT.—Each report submitted under subparagraph (A) shall—

''(i) track and monitor the use of the Department of Defense Base Closure Account 2005 established by section 2906A;

''(ii) describe the implementation by each military department of the approved recommendations of the Commission, including any related annual net savings;

''(iii) describe the implementation of privatization plans;

''(iv) describe any environmental remediation undertaken by the Department of Defense, and the related costs; and

''(v) describe the effect, if any, of the closure or realignment of military installations under the 2005 round of defense base closure and realignment on the international treaty obligations of the United States.

''(C) COOPERATION OF DEPARTMENT OF DEFENSE.—The Secretary of Defense and the Secretaries of the military departments shall cooperate with and provide such support to the Board as may be needed for the purpose of preparing reports under this paragraph.

''(2) SPECIAL REPORT ON ALTERNATIVE PROCESSES FOR CLOSED AND REALIGNED MILITARY INSTALLATIONS.—

''(A) IN GENERAL.—Not later than January 30, 2008, the Board shall submit to Congress and the President a report on the status of military installations scheduled for closure and realignment under the 2005 round of defense base closure and realignment.

''(B) CONTENT.—The report submitted under subparagraph (A) shall—

''(i) include the results and detailed analysis of a study of the implementation of the recommendations made by the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment;

''(ii) examine the feasibility of categorizing military installations scheduled for closure and realignment as—

''(I) properties that are the subject of negotiations with local redevelopment authorities or other parties for re-use or rezoning, and which may require special financing arrangements such as loans, loan guarantees, investments, environmental bonds and insurance, or other arrangements in order to transfer title and use to municipal, State, or private sector entities; and

''(II) properties that are sites on the National Priorities List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)) or that have significant environmental remediation problems requiring long-term management and oversight; and

''(iii) include a detailed examination of the feasibility of—

''(I) using one or more corporate models, including a public-private corporate model such as a foundation with a dedicated endowment, for transferring, managing, and preparing military installations closed or realigned since 1988 as part of the defense base closure and realignment process; and

''(II) using a public-private corporation to handle properties designated pursuant to clause (ii)(I) and a foundation to handle properties designated pursuant to clause (ii)(II).

''(C) CONSULTATION WITH OTHER AGENCIES.—In completing the study required under this paragraph, the Board shall consult with the Secretary of Defense, the Secretaries of the military departments, the Comptroller General of the United States, the Administrator of the Environmental Protection Agency, the Administrator of the Federal Aviation Administration, the Secretary of Housing and Urban Development, and the Secretary of the Interior.

''(3) FINAL REPORT.—Not later than December 31, 2011, the Board shall submit to Congress and the President a final report on the implementation of the recommendations of the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment. The report shall include a review of the defense base closure and realignment process and any recommendations of the Board for changes in such process.

''(f) MEETINGS.—

''(1) IN GENERAL.—Each meeting of the Board, other than meetings in which classified information is to be discussed, shall be open to the public.

''(2) ACCESS TO PROCEEDINGS, INFORMATION, AND DELIBERATIONS.—All the proceedings, information, and deliberations of the Board shall be open, upon request, to the following:

''(A) The Chairman and the ranking minority party member of the Subcommittee on Readiness and Management Support of the Committee on Armed Services of the Senate, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

''(B) The Chairman and the ranking minority party member of the Subcommittee on Readiness of the Committee on Armed Services of the House of Representatives, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

''(C) The Chairman and ranking minority party member of the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committees on Appropriations of the Senate or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

''(D) The Chairman and ranking minority party member of the Subcommittee on Military Quality of Life and Veterans' Affairs, and Related Agencies of the Committees on Appropriations of the House of Representatives, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

''(g) BOARD PERSONNEL MATTERS.—

''(1) COMPENSATION OF MEMBERS.—

''(A) IN GENERAL.—Each member of the Board, other than the Chairman, who is not an officer or employee of the Federal Government shall be compensated at a rate equivalent to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. All members of the Board who are officers or employees of the Federal Government shall serve without compensation in addition to that received for their services as officers or employees of the Federal Government.

''(B) CHAIRMAN.—The Chairman shall be compensated at a rate equivalent to the daily equivalent to the annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

''(2) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

''(3) DIRECTOR.—The Chairman of the Board may, without regard to the civil service laws and regulations, appoint a Director, who shall be paid at the rate of basic pay equivalent to level IV of the Executive Schedule under section 5315 of title 5, United States Code. The employment of the Director shall be subject to confirmation by the Board.

''(4) APPOINTMENT OF STAFF.—The Director may, with the approval of the Board, appoint up to 25 staff members to enable the Board to perform its duties, and fix the compensation of such staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and the General Schedule pay rates, except that the rate of pay may not exceed the rate of basic pay equivalent to level IV of the Executive Schedule under section 5315 of such title.

''(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

''(h) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Board such funds as are necessary to carry out its duties under this section. Such funds shall remain available until expended.

''(2) TRANSFER OF FUNDS.—If the Chairman of the Board certifies to the Secretary of Defense that insufficient funds are appropriated to the Board in any fiscal year, the Secretary of Defense shall, not later than 30 days after receiving such certification, transfer to the Board from the Department of Defense Base Closure Account 2005 established by section 2906A the amount requested by the Board in the certification. Such funds shall remain available until expended.

''(i) INAPPLICABILITY OF FACA.—The requirements of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Board.

''(j) TERMINATION.—The Board shall terminate 90 days after the submission of the final report required under subsection (e)(3).''.

SA 4340. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 549, between lines 2 and 3, insert the following:

SEC. 2834. ESTABLISHMENT OF DEFENSE BASE CLOSURE AND REALIGNMENT REVIEW BOARD.

The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new section:

''SEC. 2915. DEFENSE BASE CLOSURE AND REALIGNMENT REVIEW BOARD.

''(a) ESTABLISHMENT.—There is established an independent board to be known as the Defense Base Closure and Realignment Review Board (hereafter in this section referred to as the 'Board').

''(b) MEMBERSHIP.—

''(1) COMPOSITION.—The Board shall be composed of 11 members appointed by the President, of whom—

''(A) 7 shall be voting members, appointed by and with the consent of the Senate, who

have broad-based private sector experience in the areas of real estate management, banking, investments, auditing, and national security, of whom—

''(i) 4 shall be nominated by the President based on the respective recommendations of the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives; and

''(ii) one shall be designated by the President to serve as Chairman of the Board;

''(B) 4 shall be non-voting members, serving at the pleasure of the President, of whom—

''(i) one shall be an official of the Department of Defense;

''(ii) one shall be an official of the Environmental Protection Agency; and

''(iii) 2 shall be Federal Government officials (other than the officials described in clauses (i) and (ii)) designated by the President after consultation with the Comptroller General of the United States.

''(2) DATE.—The appointments of the members of the Board shall be made not later than 120 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2007.

''(c) PERIOD OF APPOINTMENT; VACANCIES.—

''(1) PERIOD OF APPOINTMENT.—Members shall be appointed for a term of not more than 6 years, and may be reappointed by the President. The terms of not more than 4 members may expire during any one year.

''(2) VACANCIES.—Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner as the original appointment and subject to any conditions that applied with respect to the original appointment. An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

''(d) DUTIES.—The Board shall carry out the following duties:

''(1) Ensuring compliance by the Department of Defense and the military departments with the recommendations of the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment.

''(2) Reviewing and analyzing the property conveyance policies of the Office of the Secretary of Defense and the military departments.

''(3) Assessing the effectiveness of such property conveyance policies.

''(4) Assessing the adequacy of funding related to the implementation of the approved recommendations of the Commission, including funding for environmental remediation.

''(e) REPORTS.—

''(1) ANNUAL REPORT.—

''(A) IN GENERAL.—Not later than October 31, 2007, and annually thereafter for the next 4 years, the Board shall submit to Congress and the President a report on the implementation of the recommendations of the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment.

''(B) CONTENT.—Each report submitted under subparagraph (A) shall—

''(i) track and monitor the use of the Department of Defense Base Closure Account 2005 established by section 2906A;

''(ii) describe the implementation by each military department of the approved recommendations of the Commission, including any related annual net savings;

''(iii) describe the implementation of privatization plans;

''(iv) describe any environmental remediation undertaken by the Department of Defense, and the related costs; and

''(v) describe the effect, if any, of the closure or realignment of military installations under the 2005 round of defense base closure and realignment on the international treaty obligations of the United States.

''(C) COOPERATION OF DEPARTMENT OF DEFENSE.—The Secretary of Defense and the Secretaries of the military departments shall cooperate with and provide such support to the Board as may be needed for the purpose of preparing reports under this paragraph.

''(2) SPECIAL REPORT ON ALTERNATIVE PROCESSES FOR CLOSED AND REALIGNED MILITARY INSTALLATIONS.—

''(A) IN GENERAL.—Not later than January 30, 2008, the Board shall submit to Congress and the President a report on the status of military installations scheduled for closure and realignment under the 2005 round of defense base closure and realignment.

''(B) CONTENT.—The report submitted under subparagraph (A) shall—

''(i) include the results and detailed analysis of a study of the implementation of the recommendations made by the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment;

''(ii) examine the feasibility of categorizing military installations scheduled for closure and realignment as—

''(I) properties that are the subject of negotiations with local redevelopment authorities or other parties for re-use or rezoning, and which may require special financing arrangements such as loans, loan guarantees, investments, environmental bonds and insurance, or other arrangements in order to transfer title and use to municipal, State, or private sector entities; and

''(II) properties that are sites on the National Priorities List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)) or that have significant environmental remediation problems requiring long-term management and oversight; and

''(iii) include a detailed examination of the feasibility of—

''(I) using one or more corporate models, including a public-private corporate model such as a foundation with a dedicated endowment, for transferring, managing, and preparing military installations closed or realigned since 1988 as part of the defense base closure and realignment process; and

''(II) using a public-private corporation to handle properties designated pursuant to clause (ii)(I) and a foundation to handle properties designated pursuant to clause (ii)(II).

''(C) CONSULTATION WITH OTHER AGENCIES.—In completing the study required under this paragraph, the Board shall consult with the Secretary of Defense, the Secretaries of the military departments, the Comptroller General of the United States, the Administrator of the Environmental Protection Agency, the Administrator of the Federal Aviation Administration, the Secretary of Housing and Urban Development, and the Secretary of the Interior.

''(3) FINAL REPORT.—Not later than December 31, 2011, the Board shall submit to Congress and the President a final report on the implementation of the recommendations of the Commission that were approved in the report submitted by the President to Congress under section 2903 as part of the 2005 round of defense base closure and realignment. The report shall include a review of the defense base closure and realignment process and any recommendations of the Board for changes in such process.

''(f) MEETINGS.—

''(1) IN GENERAL.—Each meeting of the Board, other than meetings in which classified information is to be discussed, shall be open to the public.

''(2) ACCESS TO PROCEEDINGS, INFORMATION, AND DELIBERATIONS.—All the proceedings, information, and deliberations of the Board shall be open, upon request, to the following:

''(A) The Chairman and the ranking minority party member of the Subcommittee on Readiness and Management Support of the Committee on Armed Services of the Senate, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

''(B) The Chairman and the ranking minority party member of the Subcommittee on Readiness of the Committee on Armed Services of the House of Representatives, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

''(C) The Chairman and ranking minority party member of the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committees on Appropriations of the Senate or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

''(D) The Chairman and ranking minority party member of the Subcommittee on Military Quality of Life and Veterans' Affairs, and Related Agencies of the Committees on Appropriations of the House of Representatives, or such other members of the Subcommittee designated by such Chairman or ranking minority party member.

''(g) BOARD PERSONNEL MATTERS.—

''(1) COMPENSATION OF MEMBERS.—

''(A) IN GENERAL.—Each member of the Board, other than the Chairman, who is not an officer or employee of the Federal Government shall be compensated at a rate equivalent to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board. All members of the Board who are officers or employees of the Federal Government shall serve without compensation in addition to that received for their services as officers or employees of the Federal Government.

''(B) CHAIRMAN.—The Chairman shall be compensated at a rate equivalent to the daily equivalent to the annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

''(2) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

''(3) DIRECTOR.—The Chairman of the Board may, without regard to the civil service laws and regulations, appoint a Director, who shall be paid at the rate of basic pay equivalent to level IV of the Executive Schedule under section 5315 of title 5, United States Code. The employment of the Director shall be subject to confirmation by the Board.

''(4) APPOINTMENT OF STAFF.—The Director may, with the approval of the Board, appoint up to 25 staff members to enable the Board to perform its duties, and fix the compensation of such staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and the General Schedule pay rates, except that the rate of pay may not exceed the rate of basic pay equivalent to level IV of the Executive Schedule under section 5315 of such title.

''(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Board may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

''(h) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Board such funds as are necessary to carry out its duties under this section. Such funds shall remain available until expended.

''(2) TRANSFER OF FUNDS.—If the Chairman of the Board certifies to the Secretary of Defense that insufficient funds are appropriated to the Board in any fiscal year, the Secretary of Defense shall, not later than 30 days after receiving such certification, transfer to the Board from the Department of Defense Base Closure Account 2005 established by section 2906A the amount requested by the Board in the certification. Such funds shall remain available until expended.

''(i) INAPPLICABILITY OF FACA.—The requirements of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Board.

''(j) TERMINATION.—The Board shall terminate 90 days after the submission of the final report required under subsection (e)(3).''.

SA 4341. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1209. RENDITION.

(a) PROHIBITION ON RENDITION TO TORTURE.—No individual in the custody or under the physical control of the United States, regardless of whether the individual is physically present in territory under the jurisdiction of the United States, may be transferred to a country if there are substantial grounds to believe that the individual would be in danger of being subjected to torture in such country.

(b) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 12 months thereafter, the Secretary of State, in consultation with the Secretary of Defense, the Director of National Intelligence, the Attorney General, and the Secretary of Homeland Security, shall submit to the appropriate committees of Congress a report on the United States compliance with Article 3 of the Convention Against Torture.

(2) CONTENTS.—Each report under paragraph (1) shall include the following:

(A) The name of each country to which any person in the custody or under the physical control of the United States has been transferred—

(i) for the first report required by paragraph (1), during the period beginning on September 11, 2001 and ending on the date of such report; and

(ii) for each subsequent report, the 1-year period beginning on the date of the previous report.

(B) The name of each country described in subparagraph (A) from which the United States has obtained oral or written assurances that a person transferred from the custody or physical control of the United States to such country would not be subject to torture—

(i) for the first report required by paragraph (1), during the period beginning on September 11, 2001 and ending on the date of such report; and

(ii) for each subsequent report, the 1-year period beginning on the date of the previous report.

(C) For each country described in subparagraph (B)—

(i) a certification that the country has complied with its assurances that it would not subject to torture any individual transferred from the custody or physical control of the United States to such country or a statement that such certification cannot be made; and

(ii) a detailed explanation of the basis for each certification under clause (i), including—

(I) a description of the country's assurances to the United States, including whether the assurances are oral or written, and, if the assurances are written, a copy of the assurances;

(II) a description of all efforts to monitor compliance with the assurances, including whether the United States has made periodic visits to all individuals transferred from the custody or physical control of the United States to such country and investigated all credible allegations that such individuals have been subjected to torture, and, if so, the conclusions of the United States regarding the treatment of such individuals;

(III) whether international or local humanitarian or human rights groups have been able to monitor effectively the treatment of individuals transferred from the custody or physical control of the United States to such country, and, if so, the conclusions of such groups regarding the treatment of such individuals; and

(IV) human rights conditions in the country, based on the annual Human Rights Reports published by the Secretary of State, reports from international and local humanitarian and human rights groups, and any other relevant information.

(c) PROHIBITION ON USE OF ASSURANCES.—If the Secretary of State does not submit a certification under subsection (b)(2)(C)(i) with respect to a country described in subsection (b)(2)(B), the United States may not use oral or written assurances that a person transferred from the custody or physical control of the United States to such country will not be subject to torture as the basis for concluding that transferring such person to such country does not violate subsection (a).

(d) SAVINGS CLAUSE.—Nothing in this section shall be construed to eliminate, limit, or constrain in any way the rights that an individual has under the Convention Against Torture or any other applicable law.

(e) DEFINITIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the terms used in this section have the meanings given those terms in the Convention Against Torture, subject to any reservations, understandings, declarations, and provisos contained in the Senate resolution advising and consenting to the ratification of the Convention Against Torture.

(2) TERMS.—In this section—

(A) the term ''transferred'' means to expel, return, extradite, or otherwise relocate a person from the custody or physical control of the United States to another country;

(B) the term ''appropriate committees of Congress'' means the Select Committee on Intelligence, the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on the Judiciary of the Senate and the Permanent Select Committee on Intelligence, the Committee on International Relations, the Committee on Armed Services, and the Committee on the Judiciary of the House of Representatives; and

(C) the term ''Convention Against Torture'' means the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York on December 10, 1984.

SA 4342. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 569. MODIFICATION OF TIME LIMIT FOR USE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

(a) MODIFICATION.—Section 16164(a) of title 10, United States Code, is amended by striking ''this chapter while serving—'' and all that follows and inserting ''this chapter—

''(1) while the member is serving—

''(A) in the Selected Reserve of the Ready Reserve, in the case of a member called or ordered to active service while serving in the Selected Reserve; or

''(B) in the Ready Reserve, in the case of a member ordered to active duty while serving in the Ready Reserve (other than the Selected Reserve); and

''(2) in the case of a person who separates from the Selected Reserve of the Ready Reserve after completion of a period of active service described in section 16163 of this title and completion of a service contract under other than dishonorable conditions, during the 10-year period beginning on the date on which the person separates from the Selected Reserve.''.

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 16165(a) of such title is amended to read as follows:

''(2) when the member separates from the Ready Reserve as provided in section 16164(a)(1) of this title, or upon completion of the period provided for in section 16164(a)(2) of this title, as applicable.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), to which such amendments relate.

SA 4343. Mr. BINGAMAN (for himself and Mr. MENENDEZ) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON ACTIONS TO REDUCE DEPARTMENT OF DEFENSE CONSUMPTION OF PETROLEUM-BASED FUEL.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the

Senate and the House of Representatives a report on the actions taken, and to be taken, by the Department of Defense to reduce the consumption by the Department of petroleum-based fuel.

(b) ELEMENTS.—The report shall include the status of implementation by the Department of the requirements of the following:

(1) The Energy Policy Act of 2005 (Public Law 109–58).

(2) The Energy Policy Act of 1992 (Public Law 102–486).

(3) Executive Order 13123.

(4) Executive Order 13149.

(5) Any other law, regulation, or directive relating to the consumption by the Department of petroleum-based fuel.

SA 4344. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title III, add the following:

SEC. 375. PREPOSITIONING OF DEPARTMENT OF DEFENSE ASSETS IN THE UNITED STATES TO IMPROVE RESPONSE TO NATURAL DISASTERS AND NATIONAL EMERGENCIES.

(a) PREPOSITIONING AUTHORIZED.—The Secretary of Defense may provide for the prepositioning of pre-packaged or pre-identified basic response assets, such as medical supplies, food and water, and communication equipment, at various locations in the United States in order to improve the Department of Defense response to natural disasters and national emergencies.

(b) PROCEDURES AND GUIDELINES.—The Secretary shall develop procedures and guidelines for the prepositioning of assets under this section.

SA 4345. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following new section:

SEC. 569. JUNIOR RESERVE OFFICERS' TRAINING CORPS INSTRUCTOR QUALIFICATIONS.

(a) IN GENERAL.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2033. Instructor qualifications

''(a) IN GENERAL.—In order for a retired officer or noncommissioned officer to be employed as an instructor in the program, the officer must be certified by the Secretary of the military department concerned as a qualified instructor in leadership, wellness and fitness, civics, and other courses related to the content of the program, according to the qualifications set forth in subsection (b)(2) or (c)(2), as appropriate.

''(b) SENIOR MILITARY INSTRUCTORS.—

''(1) ROLE.—Senior military instructors shall be retired officers of the armed forces and shall serve as instructional leaders who oversee the program.

''(2) QUALIFICATIONS.—A senior military instructor shall have the following qualifications:

''(A) Professional military qualification, as determined by the Secretary of the military department concerned.

''(B) Award of a baccalaureate degree from an institution of higher learning.

''(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

''(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

''(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

''(ii) professional development to meet content knowledge and instructional skills; and

''(iii) performance evaluation of competencies and standards within the program through site visits and inspections.

''(c) NON-SENIOR MILITARY INSTRUCTORS.—

''(1) ROLE.—Non-senior military instructors shall be retired noncommissioned officers of the armed forces and shall serve as instructional leaders and teach independently of, but share program responsibilities with, senior military instructors.

''(2) QUALIFICATIONS.—A non-senior military instructor shall demonstrate a depth of experience, proficiency, and expertise in coaching, mentoring, and practical arts in executing the program, and shall have the following qualifications:

''(A) Professional military qualification, as determined by the Secretary of the military department concerned.

''(B) Award of an associates degree from an institution of higher learning within 5 years of employment.

''(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

''(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

''(i) accumulated points for professional activities, services to the profession, awards, and recognitions;

''(ii) professional development to meet content knowledge and instructional skills; and

''(iii) performance evaluation of competencies and standards within the program through site visits and inspections.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2033. Instructor qualifications.''.

SA 4346. Mr. LOTT submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

SEC. 215. UNMANNED AERIAL VEHICLES FOR THE ARMY.

(a) PROCUREMENT OF CLASS IV SYSTEMS IN FISCAL YEAR 2007.—The Secretary of the Army shall provide for the procurement during fiscal year 2007 of eight Class IV Unmanned Aerial Vehicles (UAVs) for the Army as provided for in the budget of the President for fiscal year 2007 (as submitted to Congress for such fiscal year under section 1105(a) of title 31, United States Code).

(b) AVAILABILITY OF FUNDS FOR CERTAIN ACTIVITIES.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, $29,000,000 may be available for experimentation and the refinement of tactics and doctrine relating to the use of the Class IV Unmanned Aerial Vehicles procured under subsection (a) and two ground stations associated with such vehicles.

SA 4347. Mr. LOTT (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title X, add the following:

SEC. 1013. AGREEMENT BY NAVY AND COAST GUARD ON USE OF CYCLONE CLASS PATROL COASTAL SHIPS.

(a) AGREEMENT REQUIRED.—Not later than March 30, 2007, the Secretary of the Navy shall submit to Congress an agreement between the Secretary and the Commandant of the Coast Guard for the operation of the 179-foot Cyclone class patrol coastal ships through September 2013.

(b) ELEMENTS.—The agreement required under subsection (a) shall—

(1) include provisions for operational control of the 13 ships of the 179-foot Cyclone class patrol coastal ship class;

(2) describe responsibilities for funding for operation and maintenance costs associated with operation of such ships;

(3) ensure the more efficient employment of such ships to eliminate the near-term shortfall of the Coast Guard for Deepwater patrol boat hours while meeting validated riverine and coastal warfare requirements of the Navy; and

(4) ensure that the Coast Guard retains operational control over at least five Cyclone class patrol coastal ships until September 30, 2013.

SA 4348. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. ___. NATIONAL GUARD COUNTERDRUG SCHOOLS.

(a) AUTHORITY TO OPERATE.—Under such regulations as the Secretary of Defense may prescribe, the Chief of the National Guard Bureau may establish and operate, or provide financial assistance to the States to establish and operate, not more than five schools (to be known generally as ''National Guard counterdrug schools'').

(b) PURPOSE.—The purpose of the National Guard counterdrug schools shall be the provision by the National Guard of training in

drug interdiction and counterdrug activities and drug demand reduction activities to personnel of the following:

(1) Federal agencies.

(2) State and local law enforcement agencies.

(3) Community-based organizations engaged in such activities.

(4) Other non-Federal governmental and private entities and organizations engaged in such activities.

(c) COUNTERDRUG SCHOOLS SPECIFIED.—The National Guard counterdrug schools operated under the authority in subsection (a) are as follows:

(1) The National Interagency Civil-Military Institute (NICI), San Luis Obispo, California.

(2) The Multi-Jurisdictional Counterdrug Task Force Training (MCTFT), St. Petersburg, Florida.

(3) The Midwest Counterdrug Training Center (MCTC), Johnston, Iowa.

(4) The Regional Counterdrug Training Academy (RCTA), Meridian, Mississippi.

(5) The Northeast Regional Counterdrug Training Center (NCTC), Fort Indiantown Gap, Pennsylvania.

(d) USE OF NATIONAL GUARD PERSONNEL.—

(1) IN GENERAL.—To the extent provided for in the State drug interdiction and counterdrug activities plan of a State in which a National Guard counterdrug school is located, personnel of the National Guard of that State who are ordered to perform full-time National Guard duty authorized under section 112(b) of that title 32, United States Code, may provide training referred to in subsection (b) at that school.

(2) DEFINITION.—In this subsection, the term ''State drug interdiction and counterdrug activities plan'', in the case of a State, means the current plan submitted by the Governor of the State to the Secretary of Defense under section 112 of title 32, United States Code.

(e) TREATMENT UNDER AUTHORITY TO PROVIDE COUNTERDRUG SUPPORT.—The provisions of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 374 note) shall apply to any activities of a National Guard counterdrug school under this section that are for an agency referred to in subsection (a) of such section 1004 and for a purpose set forth in subsection (b) of such section 1004.

(f) ANNUAL REPORTS ON ACTIVITIES.—

(1) IN GENERAL.—Not later than February 1 each year, the Secretary of Defense shall submit to Congress a report on the activities of the National Guard counterdrug schools during the preceding year.

(2) CONTENTS.—Each report under paragraph (1) shall set forth the following:

(A) FUNDING.—The amount made available for each National Guard counterdrug school during the fiscal year ending in the year preceding the year in which such report is submitted.

(B) ACTIVITIES.—A description of the activities of each National Guard counterdrug school during the year preceding the year in which such report is submitted.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is hereby authorized to be appropriated for the Department of Defense for the National Guard for each of fiscal years 2006 through 2010, $30,000,000 for purposes of the National Guard counterdrug schools in such fiscal year.

(2) CONSTRUCTION.—The amount authorized to be appropriated by paragraph (1) for a fiscal year is in addition to any other amount authorized to be appropriated for the Department of Defense for the National Guard for such fiscal year.

SA 4349. Mr. WARNER (for Mrs. DOLE (for herself and Mr. JEFFORDS)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title III, add the following:

SEC. 352. NATIONAL ACADEMY OF SCIENCES STUDY ON HUMAN EXPOSURE TO CONTAMINATED DRINKING WATER AT CAMP LEJEUNE, NORTH CAROLINA.

(a) STUDY REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Navy shall enter into an agreement with the National Academy of Sciences to conduct a comprehensive review and evaluation of the available scientific and medical evidence regarding associations between pre-natal, child, and adult exposure to drinking water contaminated with trichloroethylene (TCE) and tetrachloroethylene (PCE) at Camp Lejeune, North Carolina, as well as other pre-natal, child, and adult exposures to levels of trichloroethylene and tetrachloroethylene similar to those experienced at Camp Lejeune, and birth defects or diseases and any other adverse health effects.

(2) ELEMENTS.—In conducting the review and evaluation, the Academy shall review and summarize the scientific and medical evidence and assess the strength of that evidence in establishing a link or association between exposure to trichloroethylene and tetrachloroethylene and each birth defect or disease suspected to be associated with such exposure. For each birth defect or disease reviewed, the Academy shall determine, to the extent practicable with available scientific and medical data, whether—

(A) a statistical association with such contaminant exposures exists; and

(B) there exist plausible biological mechanisms or other evidence of a causal relationship between contaminant exposures and the birth defect or disease.

(3) SCOPE OF REVIEW.—In conducting the review and evaluation, the Academy shall include a review and evaluation of—

(A) the toxicologic and epidemiologic literature on adverse health effects of trichloroethylene and tetrachloroethylene, including epidemiologic and risk assessment reports from government agencies;

(B) recent literature reviews by the National Research Council, Institute of Medicine, and other groups;

(C) the completed and on-going Agency for Toxic Substances Disease Registry (ATSDR) studies on potential trichloroethylene and tetrachloroethylene exposure at Camp Lejeune; and

(D) published meta-analyses.

(4) PEER REVIEW.—The Academy shall obtain the peer review of the report prepared as a result of the review and evaluation under applicable Academy procedures.

(5) SUBMITTAL.—The Academy shall submit the report prepared as a result of the review and evaluation to the Secretary and Congress not later than 18 months after entering into the agreement for the review and evaluation under paragraph (1).

(b) NOTICE ON EXPOSURE.—

(1) NOTICE REQUIRED.—Upon completion of the current epidemiological study by the Agency for Toxic Substances Disease Registry, known as the Exposure to Volatile Organic Compounds in Drinking Water and Specific Birth Defects and Childhood Cancers, United States Marine Corps Base Camp Lejeune, North Carolina, the Commandant of the Marine Corps shall take appropriate actions, including the use of national media such as newspapers, television, and the Internet, to notify former Camp Lejeune residents and employees who may have been exposed to drinking water impacted by trichloroethylene and tetrachloroethylene of the results of the study.

(2) ELEMENTS.—The information provided by the Commandant of the Marine Corps under paragraph (1) shall be prepared in conjunction with the Agency for Toxic Substances Disease Registry and shall include a description of sources of additional information relating to such exposure, including, but not be limited to, the following:

(A) A description of the events resulting in exposure to contaminated drinking water at Camp Lejeune.

(B) A description of the duration and extent of the contamination of drinking water at Camp Lejeune.

(C) The known and suspected health effects of exposure to the drinking water impacted by trichloroethylene and tetrachloroethylene at Camp Lejeune.

SA 4350. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 903. UNITED STATES MARINE BAND AND UNITED STATES MARINE DRUM AND BUGLE CORPS.

(a) IN GENERAL.—Section 6222 of title 10, United States Code, is amended to read as follows:

''§ 6222. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members

''(a) UNITED STATES MARINE BAND.—The band of the Marine Corps shall be composed of one director, two assistant directors, and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

''(b) UNITED STATES MARINE DRUM AND BUGLE CORPS.—The drum and bugle corps of the Marine Corps shall be composed of one commanding officer and other personnel in such numbers and grades as the Secretary of the Navy determines to be necessary.

''(c) APPOINTMENT AND PROMOTION.—(1) The Secretary of the Navy shall prescribe regulations for the appointment and promotion of members of the Marine Band and members of the Marine Drum and Bugle Corps.

''(2) The President may from time to time appoint members of the Marine Band and members of the Marine Drum and Bugle Corps to grades not above the grade of captain. The authority of the President to make appointments under this paragraph may be delegated only to the Secretary of Defense.

''(3) The President, by and with the advice and consent of the Senate, may from time to time appoint any member of the Marine Band or of the Marine Drum and Bugle Corps to a grade above the grade of captain.

''(d) RETIREMENT.—Unless otherwise entitled to higher retired grade and retired pay, a member of the Marine Band or Marine Drum and Bugle Corps who holds, or has

held, an appointment under this section is entitled, when retired, to be retired in, and with retired pay based on, the highest grade held under this section in which the Secretary of the Navy determines that such member served satisfactorily.

''(e) REVOCATION OF APPOINTMENT.—The Secretary of the Navy may revoke any appointment of a member of the Marine Band or Marine Drum and Bugle Corps. When a member's appointment to a commissioned grade terminates under this subsection, such member is entitled, at the option of such member—

''(1) to be discharged from the Marine Corps; or

''(2) to revert to the grade and status such member held at the time of appointment under this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 565 of such title is amended by striking the item relating to section 6222 and inserting the following new item:

''6222. United States Marine Band; United States Marine Drum and Bugle Corps: composition; appointment and promotion of members.''.

SA 4351. Mr. LEVIN (for Mr. AKAKA (for himself, Ms. COLLINS, Mr. GRASSLEY, Mr. DURBIN, Mr. LEVIN, and Mr. LIEBERMAN)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Employee Protection of Disclosures Act''.

(b) CLARIFICATION OF DISCLOSURES COVERED.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, that the employee or applicant reasonably believes is evidence of''; and

(B) in clause (i), by striking ''a violation'' and inserting ''any violation'';

(2) in subparagraph (B)—

(A) by striking ''which the employee or applicant reasonably believes evidences'' and inserting '', without restriction to time, place, form, motive, context, or prior disclosure made to any person by an employee or applicant, including a disclosure made in the ordinary course of an employee's duties, of information that the employee or applicant reasonably believes is evidence of''; and

(B) in clause (i), by striking ''a violation'' and inserting ''any violation (other than a violation of this section)''; and

(3) by adding at the end the following:

''(C) any disclosure that—

''(i) is made by an employee or applicant of information required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs that the employee or applicant reasonably believes is direct and specific evidence of—

''(I) any violation of any law, rule, or regulation;

''(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

''(III) a false statement to Congress on an issue of material fact; and

''(ii) is made to—

''(I) a member of a committee of Congress having a primary responsibility for oversight of a department, agency, or element of the Federal Government to which the disclosed information relates and who is authorized to receive information of the type disclosed;

''(II) any other Member of Congress who is authorized to receive information of the type disclosed; or

''(III) an employee of Congress who has the appropriate security clearance and is authorized to receive information of the type disclosed.''.

(c) COVERED DISCLOSURES.—Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking ''and'' at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) 'disclosure' means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee providing the disclosure reasonably believes that the disclosure evidences—

''(i) any violation of any law, rule, or regulation; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.''.

(d) REBUTTABLE PRESUMPTION.—Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

''This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress, except that an employee or applicant may be disciplined for the disclosure of information described in paragraph (8)(C)(i) to a Member or employee of Congress who is not authorized to receive such information. For purposes of paragraph (8), any presumption relating to the performance of a duty by an employee who has authority to take, direct others to take, recommend, or approve any personnel action may be rebutted by substantial evidence. For purposes of paragraph (8), a determination as to whether an employee or applicant reasonably believes that they have disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.''.

(e) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS; SECURITY CLEARANCES; AND RETALIATORY INVESTIGATIONS.—

(1) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(A) in clause (x), by striking ''and'' after the semicolon; and

(B) by redesignating clause (xi) as clause (xiv) and inserting after clause (x) the following:

''(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement;

''(xii) a suspension, revocation, or other determination relating to a security clearance or any other access determination by a covered agency;

''(xiii) an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section; and''

(2) PROHIBITED PERSONNEL PRACTICE.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking ''or'' at the end;

(B) in paragraph (12), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (12) the following:

''(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling'; or

''(14) conduct, or cause to be conducted, an investigation, other than any ministerial or nondiscretionary fact finding activities necessary for the agency to perform its mission, of an employee or applicant for employment because of any activity protected under this section.''.

(3) BOARD AND COURT REVIEW OF ACTIONS RELATING TO SECURITY CLEARANCES.—

(A) IN GENERAL.—Chapter 77 of title 5, United States Code, is amended by inserting after section 7702 the following:

''§ 7702a. Actions relating to security clearances

''(a) In any appeal relating to the suspension, revocation, or other determination relating to a security clearance or access determination, the Merit Systems Protection Board or any reviewing court—

''(1) shall determine whether paragraph (8) or (9) of section 2302(b) was violated;

''(2) may not order the President or the designee of the President to restore a security clearance or otherwise reverse a determination of clearance status or reverse an access determination; and

''(3) subject to paragraph (2), may issue declaratory relief and any other appropriate relief.

''(b)(1) If, in any final judgment, the Board or court declares that any suspension, revocation, or other determination with regard to a security clearance or access determination was made in violation of paragraph (8)

or (9) of section 2302(b), the affected agency shall conduct a review of that suspension, revocation, access determination, or other determination, giving great weight to the Board or court judgment.

''(2) Not later than 30 days after any Board or court judgment declaring that a security clearance suspension, revocation, access determination, or other determination was made in violation of paragraph (8) or (9) of section 2302(b), the affected agency shall issue an unclassified report to the congressional committees of jurisdiction (with a classified annex if necessary), detailing the circumstances of the agency's security clearance suspension, revocation, other determination, or access determination. A report under this paragraph shall include any proposed agency action with regard to the security clearance or access determination.

''(c) An allegation that a security clearance or access determination was revoked or suspended in retaliation for a protected disclosure shall receive expedited review by the Office of Special Counsel, the Merit Systems Protection Board, and any reviewing court.

''(d) For purposes of this section, corrective action may not be ordered if the agency demonstrates by a preponderance of the evidence that it would have taken the same personnel action in the absence of such disclosure.''.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 77 of title 5, United States Code, is amended by inserting after the item relating to section 7702 the following:

''7702a. Actions relating to security clearances.''.

(f) EXCLUSION OF AGENCIES BY THE PRESIDENT.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

''(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Imagery and Mapping Agency, the National Security Agency; and

''(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, if the determination (as that determination relates to a personnel action) is made before that personnel action; or''.

(g) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking ''agency involved'' and inserting ''agency where the prevailing party is employed or has applied for employment''.

(h) DISCIPLINARY ACTION.—Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

''(3)(A) A final order of the Board may impose—

''(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

''(ii) an assessment of a civil penalty not to exceed $1,000; or

''(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

''(B) In any case in which the Board finds that an employee has committed a prohibited personnel practice under paragraph (8) or (9) of section 2302(b), the Board shall impose disciplinary action if the Board finds that the activity protected under paragraph (8) or (9) of section 2302(b) was a significant motivating factor, even if other factors also motivated the decision, for the employee's decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.''.

(i) SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.—Section 1212 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to any civil action brought in connection with section 2302(b) (8) or (9), or subchapter III of chapter 73, or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b) (8) or (9) or subchapter III of chapter 73 and the impact court decisions would have on the enforcement of such provisions of law.

''(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described in subsection (a).''.

(j) JUDICIAL REVIEW.—

(1) IN GENERAL.—Section 7703(b)(1) of title 5, United States Code, is amended to read as follows:

''(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2), a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review must be filed within 60 days after the date the petitioner received notice of the final order or decision of the Board.

''(B) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, a petition to review a final order or final decision of the Board in a case alleging a violation of paragraph (8) or (9) of section 2302(b) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2).''.

(2) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703(d) of title 5, United States Code, is amended to read as follows:

''(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in his discretion, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

''(2) During the 5-year period beginning on the effective date of the Federal Employee Protection of Disclosures Act, this paragraph shall apply to any review relating to paragraph (8) or (9) of section 2302(b) obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the date the Director received notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in his discretion, that the Board erred in interpreting paragraph (8) or (9) of section 2302(b). If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.''.

(k) NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.—

(1) IN GENERAL.—

(A) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.''.

(B) ENFORCEABILITY.—Any nondisclosure policy, form, or agreement described under subparagraph (A) that does not contain the statement required under subparagraph (A) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(2) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding paragraph (1), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

(l) CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.—Section 214(c) of the Homeland Security Act of 2002 (6 U.S.C. 133(c)) is amended by adding at the end the following: ''For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.''.

(m) ADVISING EMPLOYEES OF RIGHTS.—Section 2302(c) of title 5, United States Code, is amended by inserting '', including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures'' after ''chapter 12 of this title''.

(n) SCOPE OF DUE PROCESS.—

(1) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

(2) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

(o) EFFECTIVE DATE.—This Act shall take effect 30 days after the date of enactment of this Act.

SA 4352. Mr. WARNER (for Mr. ENSIGN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1044. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—(1) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the Southern land border of the United States the activities authorized in subsection (b) for the purpose of securing such border. Such duty shall not exceed 21 days in any year.

(2) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform duty under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units and personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The activities authorized by this subsection are the following:

(1) Ground surveillance activities.

(2) Airborne surveillance activities.

(3) Logistical support.

(4) Provision of translation services and training.

(5) Provision of administrative support services.

(6) Provision of technical training services.

(7) Provision of emergency medical assistance and services.

(8) Provision of communications services.

(9) Rescue of aliens in peril.

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States.

(11) Ground and air transportation.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between the Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under this section shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty.

(f) PROHIBITION ON DIRECT PARTICIPATION IN LAW ENFORCEMENT.—Activities carried out under this section shall not include the direct participation of a member of the National Guard in a search, seizure, arrest, or similar activity.

(g) DURATION OF AUTHORITY.—The authority of this section shall expire on January 1, 2009.

(h) DEFINITIONS.—In this section:

(1) The term ''Governor of a State'' means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) The term ''State'' means each of the several States and the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) The term ''State along the southern land border of the United States'' means each of the following:

(A) The State of Arizona.

(B) The State of California.

(C) The State of New Mexico.

(D) The State of Texas.

SA 4353. Mr. LEVIN (for Mr. AKAKA) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title VIII, add the following:

SEC. 812. GOVERNMENT PERFORMANCE OF CRITICAL ACQUISITION FUNCTIONS.

(a) GOVERNMENT PERFORMANCE OF FUNCTIONS.—

(1) IN GENERAL.—Section 2383 of title 10, United States Code is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) GOVERNMENT PERFORMANCE OF CRITICAL ACQUISITION FUNCTIONS.—The head of an agency shall ensure that, at a minimum, for each major defense acquisition program and each major automated information system program, each of the following positions is performed by a properly qualified full-time Federal military or civilian employee:

''(1) Program manager.

''(2) Deputy program manager.

''(3) Chief engineer.

''(4) Systems engineer.

''(5) Cost estimator.

(2) DEFINITIONAL MATTERS.—Subsection (c) of such section, as redesignated by paragraph (1)(A) of this subsection, is further amended by adding at the end the following new paragraphs:

''(5) The term 'major defense acquisition program' has the meaning given such term in section 2430(a) of this title.

''(6) The term 'major automated information system program' has the meaning given such term in section 2445a(a) of this title.''.

(b) EFFECTIVE DATE AND PHASE-IN.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is one year after the date of enactment of this Act.

(2) TEMPORARY WAVER.—During the two years period beginning on the effective date specified in paragraph (1), the head of an agency may waive the requirement in subsection (b) of section 2383 of title 10, United States Code, as amended by subsection (a) of this section, with regard to a specific function on a particular program upon a written determination by the head of the agency that a properly qualified full-time Federal military or civilian employee cannot reasonably be made available to perform such function.

SA 4354. Mr. WARNER (for Mr. ENSIGN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1066. REPORT ON TECHNOLOGIES FOR NEUTRALIZING OR DEFEATING THREATS TO MILITARY ROTARY WING AIRCRAFT FROM PORTABLE AIR DEFENSE SYSTEMS AND ROCKET PROPELLED GRENADES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on technologies for neutralizing or defeating threats to military rotary wing aircraft posed by portable air defense systems and rocket propelled grenades that are being researched, developed, employed, or considered by the United States Government or the North Atlantic Treaty Organization.

(b) CONTENT.—The report required under subsection (a) shall include—

(1) an assessment of the expected value and utility of the technologies, particularly with respect to—

(A) the saving of lives;

(B) the ability to reduce the vulnerability of aircraft; and

(C) the enhancement of the ability of aircraft and their crews to accomplish assigned missions;

(2) an assessment of the potential costs of developing and deploying such technologies;

(3) a description of efforts undertaken to develop such technologies, including—

(A) non-lethal counter measures;

(B) lasers and other systems designed to dazzle, impede, or obscure threatening weapon or their users;

(C) direct fire response systems;

(D) directed energy weapons; and

(E) passive and active systems; and

(4) a description of any impediments to the development of such technologies, such as

legal restrictions under the law of war, treaty restrictions under the Protocol on Blinding Lasers, and political obstacles such as the reluctance of other allied countries to pursue such technologies.

SA 4355. Mr. WARNER (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 380, line 18, strike ''$3,750,000,000'' and insert ''$5,000,000,000''.

SA 4356. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike section 1002 and insert the following:

SEC. 1002. AUTHORIZATION OF ADDITIONAL EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2006.

(a) IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERROR.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title I of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234).

(b) HURRICANE DISASTER RELIEF AND RECOVERY.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

(c) BORDER SECURITY.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in the National Defense Authorization Act for Fiscal Year 2006 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization are increased by a supplemental appropriation, or decreased by a rescission, or both, or are increased by a transfer of funds, pursuant to title V of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.

SA 4357. Mr. LEVIN (for Mr. MENENDEZ (for himself and Mr. BINGAMAN)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle B of title XXVIII, add the following:

SEC. 2828. USE OF RENEWABLE ENERGY TO MEET ELECTRICITY NEEDS.

It shall be the goal of the Department of Defense to ensure that the Department—

(1) produces or procures not less than 25 percent of the total quantity of electric energy it consumes within its facilities and in its activities during fiscal year 2025 and each fiscal year thereafter from renewable energy sources (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)); and

(2) produces or procures such renewable energy when it is life-cycle cost effective to do so (as defined in section 708 of Executive Order 13123 (42 U.S.C. 8251 note; relating to greening the Government through efficient energy management)).

SA 4358. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 463, beginning on line 8, strike ''paragraph (1) in fiscal year 2007 for the expenses and costs'' and insert ''paragraph (1)(A) in fiscal year 2007 for the expenses''.

SA 4359. Mr. LEVIN (for Mr. BINGAMAN (for himself and Mr. MENENDEZ)) proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle D of title III, add the following:

SEC. 352. REPORT ON ACTIONS TO REDUCE DEPARTMENT OF DEFENSE CONSUMPTION OF PETROLEUM-BASED FUEL.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the actions taken, and to be taken, by the Department of Defense to reduce the consumption by the Department of petroleum-based fuel.

(b) ELEMENTS.—The report shall include the status of implementation by the Department of the requirements of the following:

(1) The Energy Policy Act of 2005 (Public Law 109–58).

(2) The Energy Policy Act of 1992. (Public Law 102–486)

(3) Executive Order 13123.

(4) Executive Order 13149.

(5) Any other law, regulation, or directive relating to the consumption by the Department of petroleum-based fuel.

SA 4360. Mr. WARNER proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of part II of subtitle A of title V, add the following:

SEC. 521. REPORT ON JOINT OFFICER PROMOTION BOARDS.

(a) REPORT REQUIRED.—Not later than June 1, 2007, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and House of Representatives a report on the desirability and feasibility of conducting joint officer promotion selection boards.

(b) ELEMENTS.—The report under subsection (a) shall include—

(1) a discussion of the limitations in existing officer career paths and promotion procedures that might warrant the conduct of joint officer promotion selection boards;

(2) an identification of the requirements for officers for which joint officer promotion selection boards would be advantageous;

(3) recommendations on methods to demonstrate how joint officer promotion selection boards might be structured, and an evaluation of the feasibility of such methods; and

(4) any proposals for legislative action that the Secretary considers appropriate.

SA 4361. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XII, add the following:

SEC. 1209. REPORTS ON IMPLEMENTATION OF THE DARFUR PEACE AGREEMENT.

(a) REQUIREMENT FOR REPORTS.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter until the date that the President submits the certification described in subsection (b), the President shall submit to Congress a report on the implementation of the Darfur Peace Agreement of May 5, 2006, and the situation in Darfur, Sudan. Each such report shall include—

(1) a description of the steps being taken by the Government of Sudan, the Sudan Liberation Movement/Army (SLM/A), and other parties to the Agreement to uphold their commitments to—

(A) demobilize and disarm the Janjaweed, as stated in paragraphs 214(F), 338, 339, 340, 366, 387, and 368 of the Agreement;

(B) provide secure, unfettered access for humanitarian personnel and supplies, as stated in paragraph 214(E) of the Agreement;

(C) ensure that foreign combatants respect the provisions of the Agreement, as stated in paragraphs 341 through 344 of the Agreement; and

(D) expedite the safe and voluntary return of internally-displaced persons and refugees to their places of origin, as stated in paragraphs 182 through 187 of the Agreement;

(2) a description of any violation of the Agreement and any delay in implementing

the Agreement, including any such violation or delay that compromises the safety of civilians, and the names of the individuals or entities responsible for such violation or delay;

(3) a description of any attacks against civilians and any activities that disrupt implementation of the Agreement by armed persons who are not a party to the Agreement; and

(4) a description of the ability of the Ceasefire Commission, the African Union Mission in Sudan, and the other organizations identified in the Agreement to monitor the implementation of the Agreement, and a description of any obstruction to such monitoring.

(b) CERTIFICATION.—The certification described in this subsection is a certification made by the President and submitted to Congress that the Government of Sudan has fulfilled its obligations under the Darfur Peace Agreement of May 5, 2006, to demobilize and disarm the Janjaweed and to protect civilians.

(c) FORM AND AVAILABILITY OF REPORTS.—

(1) FORM.—A report submitted under this section shall be in an unclassified form and may include a classified annex.

(2) AVAILABILITY.—The President shall make the unclassified portion of a reported submitted under this section available to the public.

SA 4362. Mrs. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 315. INDIVIDUAL FIRST AID KIT.

Of the amount authorized to be appropriated by section 301(8) for operation and maintenance for the Marine Corps Reserve, $3,500,000 may be available for the Individual First Aid Kit (IFAK).

SA 4363. Mrs. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

SEC. 315. INFANTRY COMBAT EQUIPMENT.

Of the amount authorized to be appropriated by section 301(8) for operation and maintenance for the Marine Corps Reserve, $5,850,000 may be available for Infantry Combat Equipment (ICE).

SA 4364. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVIII, add the following:

SEC. 2828. NAMING OF NAVY AND MARINE CORPS RESERVE CENTER AT ROCK ISLAND, ILLINOIS, IN HONOR OF LANE EVANS, A MEMBER OF THE HOUSE OF REPRESENTATIVES.

(a) FINDINGS.—Congress makes the following findings:

(1) Representative Lane Evans was elected to the House of Representatives in 1982 and is now in his 12th term representing the people of Illinois' 17th Congressional district.

(2) As a member of the Committee on Armed Services of the House of Representatives, Representative Evans has worked to bring common sense priorities to defense spending and strengthen the military's conventional readiness.

(3) Representative Evans has been a tireless advocate for military veterans, ensuring that veterans receive the medical care they need and advocating for individuals suffering from post-traumatic stress disorder and Gulf War Syndrome.

(4) Representative Evans' efforts to improve the transition of individuals from military service to the care of the Department of Veterans Affairs will continue to benefit generations of veterans long into the future.

(5) Representative Evans is credited with bringing new services to veterans living in his Congressional district, including outpatient clinics in the Quad Cities and Quincy and the Quad-Cities Vet Center.

(6) Representative Evans has worked with local leaders to promote the Rock Island Arsenal and has seen it win new jobs and missions through his support.

(7) In honor of his service in the Marine Corps and to his district and the United States, it is fitting and proper that the Navy and Marine Corps Reserve Center at Rock Island Arsenal be named in honor of Representative Evans.

(b) DESIGNATION.—The Navy and Marine Corps Reserve Center at Rock Island Arsenal, Illinois, shall be known and designated as the ''Lane Evans Navy and Marine Corps Reserve Center''. Any reference in a law, map, regulation, document, paper, or other record of the United States to the Navy and Marine Corps Reserve Center at Rock Island Arsenal shall be deemed to be a reference to the Lane Evans Navy and Marine Corps Reserve Center.

SA 4365. Mr. CHAMBLISS (for himself, Mr. GRAHAM, Mrs. CLINTON, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 648. COMMENCEMENT OF RECEIPT OF NON-REGULAR SERVICE RETIRED PAY BY MEMBERS OF THE READY RESERVE ON ACTIVE FEDERAL STATUS OR ACTIVE DUTY FOR SIGNIFICANT PERIODS.

(a) REDUCED ELIGIBILITY AGE.—Section 12731 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

''(1) has attained the eligibility age applicable under subsection (f) to that person;''; and

(2) by adding at the end the following new subsection:

''(f)(1) Subject to paragraph (2), the eligibility age for purposes of subsection (a)(1) is 60 years of age.

''(2)(A) In the case of a person who as a member of the Ready Reserve serves on active duty or performs active service described in subparagraph (B) after September 11, 2001, the eligibility age for purposes of subsection (a)(1) shall be reduced below 60 years of age by three months for each aggregate of 90 days on which such person so performs in any fiscal year after such date, subject to subparagraph (C). A day of duty may be included in only one aggregate of 90 days for purposes of this subparagraph.

''(B)(i) Service on active duty described in this subparagraph is service on active duty pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of this title or under section 12301(d) of this title. Such service does not include service on active duty pursuant to a call or order to active duty under section 12310 of this title.

''(ii) Active service described in this subparagraph is service under a call to active service authorized by the President or the Secretary of Defense under section 502(f) of title 32 for purposes of responding to a national emergency declared by the President or supported by Federal funds.

''(C) The eligibility age for purposes of subsection (a)(1) may not be reduced below 50 years of age for any person under subparagraph (A).''.

(b) CONTINUATION OF AGE 60 AS MINIMUM AGE FOR ELIGIBILITY OF NON-REGULAR SERVICE RETIREES FOR HEALTH CARE.—Section 1074(b) of such title is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following new paragraph:

''(2) Paragraph (1) does not apply to a member or former member entitled to retired pay for non-regular service under chapter 1223 of this title who is under 60 years of age.''.

(c) ADMINISTRATION OF RELATED PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to having attained the eligibility age applicable under subsection (f) of section 12731 of title 10, United States Code (as added by subsection (a)), to such member or former member for qualification for such retired pay under subsection (a) of such section.

(d) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) shall take effect as of September 11, 2001, and shall apply with respect to applications for retired pay that are submitted under section 12731(a) of title 10, United States Code, on or after the date of the enactment of this Act.

At the end of subtitle A of title VII, add the following:

SEC. 707. EXPANSION OF ELIGIBILITY OF MEMBERS OF THE SELECTED RESERVE FOR COVERAGE UNDER TRICARE.

(a) IN GENERAL.—Subsection (a) of section 1076b of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''or'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(4) is an employee of a business with 20 or fewer employees.''.

(b) PREMIUMS.—Subsection (e)(2) of such section is amended by adding at the end the following new subparagraph:

''(C) For members eligible under paragraph (4) of subsection (a), the amount equal to 75 percent of the total amount determined by the Secretary on an appropriate actuarial basis as being reasonable for the coverage.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

SA 4366. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2677, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IX, add the following:

SEC. 913. INDEPENDENT REVIEW AND ASSESSMENT OF DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT FOR NATIONAL SECURITY IN SPACE.

(a) INDEPENDENT REVIEW AND ASSESSMENT REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an independent review and assessment of the organization and management of the Department of Defense for national security in space.

(2) CONDUCT OF REVIEW.—The review and assessment shall be conducted by an appropriate entity outside the Department of Defense selected by the Secretary for purposes of this section.

(3) ELEMENTS.—The review and assessment shall address the following:

(A) The requirements of the Department of Defense for national security space capabilities, as identified by the Department, and the efforts of the Department to fulfill such requirements.

(B) The future space missions of the Department, and the plans of the Department to meet the future space missions.

(C) The actions that could be taken by the Department to modify the organization and management of the Department over the near-term, medium-term, and long-term in order to strengthen United States national security in space, and the ability of the Department to implement its requirements and carry out the future space missions, including the following:

(i) Actions to exploit existing and planned military space assets to provide support for United States military operations.

(ii) Actions to improve or enhance current interagency coordination processes regarding the operation of national security space assets, including improvements or enhancements in interoperability and communications.

(iii) Actions to improve or enhance the relationship between the intelligence aspects of national security space (so-called ''black space'') and the non-intelligence aspects of national security space (so-called ''white space'').

(iv) Actions to improve or enhance the manner in which military space issues are addressed by professional military education institutions.

(4) LIAISON.—The Secretary shall designate at least one senior civilian employee of the Department of Defense, and at least one general or flag officer of an Armed Force, to serve as liaison between the Department, the Armed Forces, and the entity conducting the review and assessment.

(b) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the entity conducting the review and assessment shall submit to the Secretary and the congressional defense committees a report on the review and assessment.

(2) ELEMENTS.—The report shall include—

(A) the results of the review and assessment; and

(B) recommendations on the best means by which the Department may improve its organization and management for national security in space.

SA 4367. Mr. OBAMA (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 587. ASSESSMENT OF PROVISION OF ELECTRONIC COPY OF MILITARY RECORDS ON DISCHARGE OR RELEASE OF MEMBERS FROM THE ARMED FORCES.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of providing an electronic copy of military records to members of the Armed Forces on their discharge or release from the Armed Forces.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An estimate of the costs of the provision of military records as described in paragraph (1).

(B) An assessment of providing military records as described in that paragraph through the distribution of a portable, readily accessible medium (such as a computer disk or other similar medium) containing such records.

(C) A description and assessment of the mechanisms required to ensure the privacy of members of the Armed Forces in providing military records as described in that paragraph.

(D) An assessment of the benefits to the members of the Armed Forces of receiving their military records as described in that paragraph.

(E) If the Secretary determines that providing military records to members of the Armed Forces as described in that paragraph is feasible and advisable, a plan (including a schedule) for providing such records to members of the Armed Forces as so described in order to ensure that each member of the Armed Forces is provided such records upon discharge or release from the Armed Forces.

(F) Any other matter to relating to the provision of military records as described in that paragraph that the Secretary considers appropriate.

(b) PILOT PROGRAM.—

(1) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a pilot program to assess the feasibility and advisability of providing an electronic copy of military records to members of the Armed Forces on their discharge or release from the Armed Forces.

(2) LOCATION.—The Secretary shall carry out the pilot program at two locations, of which—

(A) one shall be a military installation at which members of the Armed Forces are processed for separation from active duty in the Armed Forces; and

(B) one shall be a military installation at which members of the reserve components of the Armed Forces are processed for release from active duty following deployment on active duty in support of Operation Iraqi Freedom or Operation Enduring Freedom.

(3) PROVISION OF MILITARY RECORDS.—Under the pilot program, the Secretary shall provide an electronic copy of such member's military records to each member of the Armed Forces undergoing separation from the Armed Forces, or release from active duty in the Armed Forces, at a location of the pilot program under paragraph (2) during the period of the pilot program.

(4) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the pilot program.

(c) MILITARY RECORDS DEFINED.—In this section, the term ''military records'', with respect to a member of the Armed Forces, includes all military service records, military medical records, and other military records of the member of the armed Forces.

SA 4368. Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

SEC. 1024. OPERATION BAHAMAS, TURKS & CAICOS.

(a) FINDINGS.—Congress makes the following findings:

(1) In 1982 the United States Government created Operation Bahamas, Turks & Caicos (OPBAT) to counter the smuggling of cocaine into the United States.

(2) According to the Drug Enforcement Agency, an estimated 80 percent of the cocaine entering the United States in the 1980s came through the Bahamas, whereas, according to the Office of National Drug Control Policy, only an estimated 10 percent comes through the Bahamas today.

(3) According to the Drug Enforcement Agency, more than 80,000 kilograms of cocaine and nearly 700,000 pounds of marijuana have been seized in Operation Bahamas, Turks & Caicos since 1986, with a combined street value of approximately two trillion dollars.

(4) The Army has provided military airlift to law enforcement officials under Operation Bahamas, Turks & Caicos to create an effective, reliable, and immediate response capability for drug interdiction. This support is largely responsible for the decline in cocaine shipments to the United States through the Bahamas.

(5) The Bahamas is an island nation composed of approximately 700 islands and keys, which makes aviation assets the best and most efficient method of transporting law enforcement agents and interdicting smugglers.

(6) It is in the interest of the United States to maintain the results of the successful Operation Bahamas, Turks & Caicos program and prevent drug smugglers from rebuilding their operations through the Bahamas.

(b) REPORT ON UNITED STATES GOVERNMENT SUPPORT FOR OPBAT.—

(1) REPORT ON DECISION TO WITHDRAW.—Not later than 30 days before implementing a decision to withdraw Department of Defense helicopters from Operation Bahamas, Turks & Caicos, the Secretary of Defense shall submit to the Congress a report outlining the plan for the coordination of the Operation Bahamas, Turks & Caicos mission, at the same level of effectiveness, using other United States Government assets.

(2) CONSULTATION.—The Secretary of Defense shall consult with the Secretary of State, the Attorney General, and the Secretary of Homeland Security, and with other appropriate officials of the United States Government, in preparing the report under paragraph (1).

(3) ELEMENTS.—The report under paragraph (1) on the withdrawal of equipment referred to in that paragraph shall include the following:

(A) An explanation of the military justification for the withdrawal of the equipment.

(B) An assessment of the availability of other options (including other Government helicopters) to provide the capability being provided by the equipment to be withdrawn.

(C) An explanation of how each option specified under subparagraph (B) will provide the capability currently provided by the equipment to be withdrawn.

(D) An assessment of the potential use of unmanned aerial vehicles in Operation Bahamas, Turks & Caicos, including the capabilities of such vehicles and any advantages or disadvantages associated with the use of such vehicles in that operation, and a recommendation on whether or not to deploy such vehicles in that operation.

SA 4369. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 555, strike line 1 and all that follows through ''Secretary'' on line 13 and insert the following: ''(B) The Secretary''.

SA 4370. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1008. REPORTS TO CONGRESS AND NOTICE TO PUBLIC ON EARMARKS IN FUNDS AVAILABLE TO THE DEPARTMENT OF DEFENSE.

(a) ANNUAL REPORT AND NOTICE REQUIRED.—The Secretary of Defense shall submit to Congress, and post on the Internet website of the Department of Defense available to the public, each year information as follows:

(1) A description of each earmark of funds made available to the Department of Defense for the previous fiscal year, including the location (by city, State, country, and congressional district if relevant) in which the earmarked funds are to be utilized, the purpose of such earmark (if known), and the recipient of such earmark.

(2) The total cost of administering each such earmark including the amount of such earmark, staff time, administrative expenses, and other costs.

(3) The total cost of administering all such earmarks.

(4) An assessment of the utility of each such earmark in meeting the goals of the Department, set forth using a rating system as follows:

(A) A for an earmark that directly advances the primary goals of the Department or an agency, element, or component of the Department.

(B) B for an earmark that advances many of the primary goals of the Department or an agency, element, or component of the Department.

(C) C for an earmark that may advance some of the primary goals of the Department or an agency, element, or component of the Department.

(D) D for an earmark that cannot be demonstrated as being cost-effective in advancing the primary goals of the Department or any agency, element, or component of the Department.

(E) F for an earmark that distracts from or otherwise impedes that capacity of the Department to meet the primary goals of the Department.

(b) EARMARK DEFINED.—In this section, the term ''earmark'' means a provision of law, or a directive contained within a joint explanatory statement or report accompanying a conference report or bill (as applicable), that specifies the identity of an entity, program, project, or service, including a defense system, to receive assistance not requested by the President and the amount of the assistance to be so received.

SA 4371. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 345, line 2, strike ''poor'' and insert ''below-satisfactory performance or performance that does not meet the basic requirements of the contract''.

SA 4372. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1066. FISCAL INTEGRITY OF TRAVEL PAYMENTS.

Not later than November 15, 2006, the Secretary of Defense shall submit to the congressional defense committees and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report including—

(1) risk assessments performed by the Department of Defense on payments made by the Department for travel, as required under section 2 of the Improper Payments Information Act of 2002 (Public Law 107–300; 31 U.S.C. 3321 note); and

(2) a justification detailing the methodology used to determine the risk susceptibility of making improper payments in activities related to Department of Defense travel during fiscal year 2005, including—

(A) an explanation of how the Department used a statistically valid estimate to determine travel payments for fiscal year 2005 in accordance with guidance in Office of Management and Budget Memorandum 30–13 issued pursuant to the Improper Payments Information Act of 2002 (Public Law 107–300; 31 U.S.C. 3321 note); and

(B) a declaration of whether or not activities related to such travel payments were determined to be at significant risk of making improper payments for such fiscal year.

SA 4373. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. None of the funds appropriated by this Act may be obligated or expended for the further development, deployment, or operation of any web-based, end-to-end travel management system, or services under any contract for such travel services that provides for payment by the Department of Defense to the service provider above, or in addition to, a fixed price transaction fee for eTravel services under the General Services Administration eTravel contract.

SA 4374. Ms. CANTWELL (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 746. STUDY OF HEALTH EFFECTS OF EXPOSURE TO DEPLETED URANIUM.

(a) STUDY.—The Secretary of Defense, in consultation with the Secretary for Veterans Affairs and the Secretary of Health and Human Services, shall conduct a comprehensive study of the health effects of exposure to depleted uranium munitions on uranium-exposed soldiers and on children of uranium-exposed soldiers who were born after the exposure of the uranium-exposed soldiers to depleted uranium.

(b) URANIUM-EXPOSED SOLDIERS.—In this section, the term ''uranium-exposed soldiers'' means a member or former member of

the Armed Forces who handled, came in contact with, or had the likelihood of contact with depleted uranium munitions while on active duty, including members and former members who—

(1) were exposed to smoke from fires resulting from the burning of vehicles containing depleted uranium munitions or fires at depots at which depleted uranium munitions were stored;

(2) worked within environments containing depleted uranium dust or residues from depleted uranium munitions;

(3) were within a structure or vehicle while it was struck by a depleted uranium munition;

(4) climbed on or entered equipment or structures struck by a depleted uranium munition; or

(5) were medical personnel who provided initial treatment to members of the Armed Forces described in paragraph (1), (2), (3), or (4).

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Defense shall submit a report to Congress on the results of the study described in subsection (a).

SA 4375. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X add the following:

SEC. 1008. MODIFICATION OF AVAILABILITY OF CERTAIN FUNDS FOR THE DEPARTMENT OF DEFENSE TO ADDRESS HURRICANES IN THE GULF OF MEXICO IN 2005.

(a) RESERVE PERSONNEL, ARMY.—Chapter 2 of title I of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (division B of Public Law 109–148) is amended under the heading ''RESERVE PERSONNEL, ARMY'' by striking ''September 30, 2006'' and inserting ''September 30, 2007''.

(b) OPERATION AND MAINTENANCE, ARMY RESERVE.—Chapter 2 of title I of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 is amended under the heading ''OPERATION AND MAINTENANCE, ARMY RESERVE'' by striking ''September 30, 2006'' and inserting ''September 30, 2007''.

SA 4376. Mr. ENZI proposed an amendment to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end, add the following new Division:

DIVISION D—OTHER PROVISIONS

TITLE XXXXI—ASSISTANCE FOR WORKERS AND SMALL BUSINESSES

Subtitle A—Minimum Wage Adjustment

SEC. 4101. MINIMUM WAGE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than—

''(A) $5.70 an hour, beginning 6 months after the date of enactment of the National Defense Authorization Act for Fiscal Year 2007; and

''(B) $6.25 an hour, beginning 18 months after such date of enactment;''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 6 months after the date of enactment of this Act.

Subtitle B—Workplace Flexibility

SEC. 4111. SHORT TITLE.

This subtitle may be cited as the ''Workplace Flexibility Act''.

SEC. 4112. BIWEEKLY WORK PROGRAMS.

(a) IN GENERAL.—The Fair Labor Standards Act of 1938 is amended by inserting after section 13 (29 U.S.C. 213) the following:

''SEC. 13A. BIWEEKLY WORK PROGRAMS.

''(a) VOLUNTARY PARTICIPATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no employee may be required to participate in a program described in this section. Participation in a program described in this section may not be a condition of employment.

''(2) COLLECTIVE BARGAINING AGREEMENT.—In a case in which a valid collective bargaining agreement exists between an employer and the labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law, an employee may only be required to participate in such a program in accordance with the agreement.

''(b) BIWEEKLY WORK PROGRAMS.—

''(1) IN GENERAL.—Notwithstanding section 7, an employer may establish biweekly work programs that allow the use of a biweekly work schedule—

''(A) that consists of a basic work requirement of not more than 80 hours, over a 2-week period; and

''(B) in which more than 40 hours of the work requirement may occur in a week of the period, except that no more than 10 hours may be shifted between the 2 weeks involved.

''(2) CONDITIONS.—An employer may carry out a biweekly work program described in paragraph (1) for employees only pursuant to the following:

''(A) AGREEMENT.—The program may be carried out only in accordance with—

''(i) applicable provisions of a collective bargaining agreement between the employer and the labor organization that has been certified or recognized as the representative of the employees under applicable law; or

''(ii) in the case of an employee who is not represented by a labor organization described in clause (i), a written agreement arrived at between the employer and employee before the performance of the work involved if the agreement was entered into knowingly and voluntarily by such employee and was not a condition of employment.

''(B) STATEMENT.—The program shall apply to an employee described in subparagraph (A)(ii) if such employee has affirmed, in a written statement that is made, kept, and preserved in accordance with section 11(c), that the employee has chosen to participate in the program.

''(C) MINIMUM SERVICE.—No employee may participate, or agree to participate, in the program unless the employee has been employed for at least 12 months by the employer, and for at least 1,250 hours of service with the employer during the previous 12-month period.

''(3) COMPENSATION FOR HOURS IN SCHEDULE.—Notwithstanding section 7, in the case of an employee participating in such a biweekly work program, the employee shall be compensated for each hour in such a biweekly work schedule at a rate not less than the regular rate at which the employee is employed.

''(4) COMPUTATION OF OVERTIME.—All hours worked by the employee in excess of such a biweekly work schedule or in excess of 80 hours in the 2-week period, that are requested in advance by the employer, shall be overtime hours.

''(5) OVERTIME COMPENSATION PROVISION.—The employee shall be compensated for each such overtime hour at a rate not less than one and one-half times the regular rate at which the employee is employed, in accordance with section 7(a)(1), or receive compensatory time off in accordance with section 7(r) for each such overtime hour.

''(6) DISCONTINUANCE OF PROGRAM OR WITHDRAWAL.—

''(A) DISCONTINUANCE OF PROGRAM.—An employer that has established a biweekly work program under paragraph (1) may discontinue the program for employees described in paragraph (2)(A)(ii) after providing 30 days' written notice to the employees who are subject to an agreement described in paragraph (2)(A)(ii).

''(B) WITHDRAWAL.—An employee may withdraw an agreement described in paragraph (2)(A)(ii) at the end of any 2-week period described in paragraph (1)(A), by submitting a written notice of withdrawal to the employer of the employee.

''(c) PROHIBITION OF COERCION.—

''(1) IN GENERAL.—An employer shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any employee for the purpose of interfering with the rights of the employee under this section to elect or not to elect to work a biweekly work schedule.

''(2) DEFINITION.—In paragraph (1), the term 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

''(d) DEFINITIONS.—In this section:

''(1) BASIC WORK REQUIREMENT.—The term 'basic work requirement' means the number of hours, excluding overtime hours, that an employee is required to work or is required to account for by leave or otherwise.

''(2) COLLECTIVE BARGAINING.—The term 'collective bargaining' means the performance of the mutual obligation of the representative of an employer and the labor organization that has been certified or recognized as the representative of the employees of the employer under applicable law to meet at reasonable times and to consult and bargain in a good-faith effort to reach agreement with respect to the conditions of employment affecting such employees and to execute, if requested by either party, a written document incorporating any collective bargaining agreement reached, but the obligation referred to in this paragraph shall not compel either party to agree to a proposal or to make a concession.

''(3) COLLECTIVE BARGAINING AGREEMENT.—The term 'collective bargaining agreement' means an agreement entered into as a result of collective bargaining.

''(4) ELECTION.—The term 'at the election of', used with respect to an employee, means at the initiative of, and at the request of, the employee.

''(5) EMPLOYEE.—The term 'employee' means an individual—

''(A) who is an employee (as defined in section 3);

''(B) who is not an employee of a public agency; and

''(C) to whom section 7(a) applies.

''(6) EMPLOYER.—The term 'employer' does not include a public agency.

''(7) OVERTIME HOURS.—The term 'overtime hours' when used with respect to biweekly work programs under subsection (b), means all hours worked in excess of the biweekly work schedule involved or in excess of 80 hours in the 2-week period involved, that are requested in advance by an employer.

''(8) REGULAR RATE.—The term 'regular rate' has the meaning given the term in section 7(e).''.

(b) REMEDIES.—

(1) PROHIBITIONS.—Section 15(a)(3) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(a)(3)) is amended—

(A) by inserting ''(A)'' after ''(3)'';

(B) by adding ''or'' after the semicolon; and

(C) by adding at the end the following:

''(B) to violate any of the provisions of section 13A;''.

(2) REMEDIES AND SANCTIONS.—Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(A) in subsection (c)—

(i) in the first sentence—

(I) by inserting after ''7 of this Act'' the following: '', or of the appropriate legal or monetary equitable relief owing to any employee or employees under section 13A''; and

(II) by striking ''wages or unpaid overtime compensation and'' and inserting ''wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and'';

(ii) in the second sentence, by striking ''wages or overtime compensation and'' and inserting ''wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, and''; and

(iii) in the third sentence—

(I) by inserting after ''first sentence of such subsection'' the following: '', or the second sentence of such subsection in the event of a violation of section 13A,''; and

(II) by striking ''wages or unpaid overtime compensation under sections 6 and 7 or'' and inserting ''wages, unpaid overtime compensation, or legal or monetary equitable relief, as appropriate, or''; and

(B) in subsection (e)—

(i) in the second sentence, by striking ''section 6 or 7'' and inserting ''section 6, 7, or 13A''; and

(ii) in the fourth sentence, in paragraph (3), by striking ''15(a)(4) or'' and inserting ''15(a)(4), a violation of section 15(a)(3)(B), or''.

(c) NOTICE TO EMPLOYEES.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) to employees so that the notice reflects the amendments made to the Act by this section.

SEC. 4113. CONGRESSIONAL COVERAGE.

Section 203 of the Congressional Accountability Act of 1995 (2 U.S.C. 1313) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''and section 12(c)'' and inserting ''section 12(c), and section 13A''; and

(B) by striking paragraph (3);

(2) in subsection (b)—

(A) by striking ''The remedy'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the remedy''; and

(B) by adding at the end the following:

''(2) BIWEEKLY WORK PROGRAMS AND FLEXIBLE CREDIT HOURS PROGRAMS.—The remedy for a violation of subsection (a) relating to the requirements of section 13A of the Fair Labor Standards Act of 1938 shall be such remedy as would be appropriate if awarded under sections 16 and 17 of such Act (29 U.S.C. 216, 217) for such a violation.''; and

(3) in subsection (c), by striking paragraph (4).

SEC. 4114. TERMINATION.

The authority provided by this subtitle and the amendments made by this subtitle terminates 5 years after the date of enactment of this Act.

Subtitle C—Small Business Fair Labor Standards Act Exemption

SEC. 4121. ENHANCED SMALL BUSINESS EXEMPTION.

(a) IN GENERAL.—Section 3(s)(1)(A)(ii) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(s)(1)(A)(ii)) is amended by striking ''$500,000'' and inserting ''$1,000,000''.

(b) EFFECT OF AMENDMENT.—The amendment made by subsection (a) shall not apply in any State that does not have in effect, or that does not subsequently enact after the date of enactment of the National Defense Authorization Act for Fiscal Year 2007, legislation applying minimum wage and hours of work protections to workers covered by the Fair Labor Standards Act of 1938 as of the day before such date of enactment.

SEC. 4122. SCOPE OF EMPLOYMENT.

Section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)), in the matter preceding paragraph (1), and section 7(a)(1) of such Act (29 U.S.C. 207(a)(1)), are amended by striking ''who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce,'' and inserting ''who in any workweek is engaged in industrial homework subject to section 11(d) and engaged in commerce or in the production of goods for commerce, or who in any workweek is employed in an enterprise engaged in commerce or in the production of goods for commerce,''.

Subtitle D—Small Business Paperwork Reduction

SEC. 4131. SMALL BUSINESS PAPERWORK REDUCTION.

(a) IN GENERAL.—Section 3506 of title 44, United States Code (commonly referred to as the ''Paperwork Reduction Act''), is amended by adding at the end the following:

''(j)(1) In the case of a first-time violation by a small business concern of a requirement regarding the collection of information by an agency, the head of such agency shall provide that no civil fine shall be imposed on the small business concern unless, based on the particular facts and circumstances regarding the violation—

''(A) the head of the agency determines that the violation has the potential to cause serious harm to the public interest;

''(B) the head of the agency determines that failure to impose a civil fine would impede or interfere with the detection of criminal activity;

''(C) the violation is a violation of an internal revenue law or a law concerning the assessment or collection of any tax, debt, revenue, or receipt;

''(D) the violation is not corrected on or before the date that is 6 months after the date of receipt by the small business concern of notification of the violation in writing from the agency; or

''(E) except as provided in paragraph (2), the head of the agency determines that the violation presents a danger to the public health or safety.

''(2)(A) In any case in which the head of an agency determines under paragraph (1)(E) that a violation presents a danger to the public health or safety, the head of the agency may, notwithstanding paragraph (1)(E), determine that a civil fine should not be imposed on the small business concern if the violation is corrected within 24 hours of receipt of notice in writing by the small business concern of the violation.

''(B) In determining whether to provide a small business concern with 24 hours to correct a violation under subparagraph (A), the head of the agency shall take into account all of the facts and circumstances regarding the violation, including—

''(i) the nature and seriousness of the violation, including whether the violation is technical or inadvertent or involves willful or criminal conduct;

''(ii) whether the small business concern has made a good faith effort to comply with applicable laws, and to remedy the violation within the shortest practicable period of time; and

''(iii) whether the small business concern has obtained a significant economic benefit from the violation.

''(C) In any case in which the head of the agency imposes a civil fine on a small business concern for a violation with respect to which this paragraph applies and does not provide the small business concern with 24 hours to correct the violation, the head of the agency shall notify Congress regarding such determination not later than 60 days after the date that the civil fine is imposed by the agency.

''(3) With respect to any agency, this subsection shall not apply to any violation by a small business concern of a requirement regarding collection of information by such agency if such small business concern previously violated any requirement regarding collection of information by such agency.

''(4) In determining if a violation is a first-time violation for purposes of this subsection, the head of an agency shall not take into account any violation of a requirement regarding collection of information by another agency.

''(5) Notwithstanding any other provision of law, no State may impose a civil penalty on a small business concern, in the case of a first-time violation by the small-business concern of a requirement regarding collection of information under Federal law, in a manner inconsistent with the provisions of this subsection.

''(6) For purposes of this subsection, the term 'small business concern' means a business concern that meets the requirements of section 3(a) of the Small Business Act (15 U.S.C. 632(a)) and the regulations promulgated pursuant to such section.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to any violation occurring on or after January 1, 2006.

Subtitle E—Small Business Regulatory Relief

SEC. 4141. ENHANCED COMPLIANCE ASSISTANCE FOR SMALL BUSINESSES.

(a) IN GENERAL.—Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by striking subsection (a) and inserting the following:

''(a) COMPLIANCE GUIDE.—

''(1) IN GENERAL.—For each rule for which an agency head does not make a certification under section 605(b) of title 5, United States Code, the agency shall publish 1 or more guides to assist small entities in complying with the rule, and shall entitle such publications 'small entity compliance guides'.

''(2) PUBLICATION OF GUIDES.—The publication of each guide under this subsection shall include—

''(A) the posting of the guide in an easily identified location on the website of the agency; and

''(B) distribution of the guide to known industry contacts, such as small entities, associations, or industry leaders affected by the rule.

''(3) PUBLICATION DATE.—An agency shall publish each guide (including the posting and distribution of the guide as described under paragraph (2))—

''(A) on the same date as the date of publication of the final rule (or as soon as possible after that date); and

''(B) not later than the date on which the requirements of that rule become effective.

''(4) COMPLIANCE ACTIONS.—

''(A) IN GENERAL.—Each guide shall explain the actions a small entity is required to take to comply with a rule.

''(B) EXPLANATION.—The explanation under subparagraph (A)—

''(i) shall include a description of actions needed to meet requirements to enable a small entity to know when such requirements are met; and

''(ii) if determined appropriate by the agency, may include a description of possible procedures, such as conducting tests, that assist a small entity in meeting such requirements.

''(C) PROCEDURES.—Procedures described under subparagraph (B)(ii)—

''(i) shall be suggestions to assist small entities; and

''(ii) shall not be additional requirements relating to the rule.

''(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities, and may cooperate with associations of small entities to develop and distribute such guides. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 211(3) of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by inserting ''and entitled'' after ''designated''.

Subtitle F—Minimum Wage Tip Credit

SEC. 4151. TIPPED WAGE FAIRNESS.

Section 3(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)) is amended—

(1) in paragraph (2), by inserting before the period the following: '': *Provided*, That the tips shall not be included as part of the wage paid to an employee to the extent that they are excluded therefrom under the terms of a bona fide collective bargaining agreement applicable to the particular employee'';

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by striking the subsection designation and inserting ''(m)(1)''; and

(4) by adding at the end of the following:

''(2) Notwithstanding any other provision of this Act, any State or political subdivision of a State which on and after the date of enactment of the National Defense Authorization Act for Fiscal Year 2007 excludes all of a tipped employee's tips from being considered as wages in determining if such tipped employee has been paid the applicable minimum wage rate, may not establish or enforce the minimum wage rate provisions of such law, ordinance, regulation, or order in such State or political subdivision thereof with respect to tipped employees unless such law, ordinance, regulation, or order is revised or amended to permit such employee to be paid a wage by the employee's employer in an amount not less than an amount equal to—

''(A) the cash wage paid such employee which is required under such law, ordinance, regulation, or order on the date of enactment of such Act; and

''(B) an additional amount on account of tips received by such employee which amount is equal to the difference between such cash wage and the minimum wage rate in effect under such law, ordinance, regulation, or order or the minimum wage rate in effect under section 6, whichever is higher.''.

Subtitle G—Small Business Tax Relief

SEC. 4160. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

CHAPTER 1—PROVISIONS RELATING TO ECONOMIC STIMULUS FOR SMALL BUSINESSES

SEC. 4161. EXTENSION OF INCREASED EXPENSING FOR SMALL BUSINESSES.

(a) IN GENERAL.—Section 179 (relating to election to expense certain depreciable business assets) is amended by striking ''2010'' each place it appears and inserting ''2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 4162. CLARIFICATION OF CASH ACCOUNTING RULES FOR SMALL BUSINESS.

(a) CASH ACCOUNTING PERMITTED.—Section 446 (relating to general rule for methods of accounting) is amended by adding at the end the following new subsection:

''(g) CERTAIN SMALL BUSINESS TAXPAYERS PERMITTED TO USE CASH ACCOUNTING METHOD WITHOUT LIMITATION.—

''(1) IN GENERAL.—An eligible taxpayer shall not be required to use an accrual method of accounting for any taxable year.

''(2) ELIGIBLE TAXPAYER.—For purposes of this subsection—

''(A) IN GENERAL.—A taxpayer is an eligible taxpayer with respect to any taxable year if—

''(i) for all prior taxable years beginning after December 31, 2004, the taxpayer (or any predecessor) met the gross receipts test of subparagraph (B), and

''(ii) the taxpayer is not subject to section 447 or 448.

''(B) GROSS RECEIPTS TEST.—A taxpayer meets the gross receipts test of this subparagraph for any prior taxable year if the average annual gross receipts of the taxpayer for the 3-taxable-year period ending with such prior taxable year does not exceed $10,000,000. The rules of paragraphs (2) and (3) of section 448(c) shall apply for purposes of the preceding sentence.

''(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2007, the dollar amount contained in subparagraph (B) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof. If any amount as adjusted under this subparagraph is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.''.

(b) CLARIFICATION OF INVENTORY RULES FOR SMALL BUSINESS.—Section 471 (relating to general rule for inventories) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

''(c) SMALL BUSINESS TAXPAYERS NOT REQUIRED TO USE INVENTORIES.—

''(1) IN GENERAL.—An eligible taxpayer shall not be required to use inventories under this section for a taxable year.

''(2) TREATMENT OF TAXPAYERS NOT USING INVENTORIES.—If an eligible taxpayer does not use inventories with respect to any property for any taxable year beginning after December 31, 2005, such property shall be treated as a material or supply which is not incidental.

''(3) ELIGIBLE TAXPAYER.—For purposes of this subsection, the term 'eligible taxpayer' has the meaning given such term by section 446(g)(2).''.

(c) EFFECTIVE DATE AND SPECIAL RULES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer changing the taxpayer's method of accounting for any taxable year under the amendments made by this section—

(A) such change shall be treated as initiated by the taxpayer;

(B) such change shall be treated as made with the consent of the Secretary of the Treasury; and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such taxable year.

SEC. 4163. EXTENSION AND EXPANSION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED RESTAURANT IMPROVEMENTS.

(a) EXTENSION.—

(1) IN GENERAL.—Section 168(e)(3)(E)(v) is amended by striking ''2006'' and inserting ''2007''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2005.

(b) MODIFICATION OF TREATMENT OF QUALIFIED RESTAURANT PROPERTY AS 15-YEAR PROPERTY FOR PURPOSES OF DEPRECIATION DEDUCTION.—

(1) TREATMENT TO INCLUDE NEW CONSTRUCTION.—Paragraph (7) of section 168(e) (relating to classification of property) is amended to read as follows:

''(7) QUALIFIED RESTAURANT PROPERTY.—The term 'qualified restaurant property' means any section 1250 property which is a building or an improvement to a building if more than 50 percent of the building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to any property placed in service after the date of the enactment of this Act.

CHAPTER 2—REVENUE PROVISIONS

SEC. 4171. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:

''SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

''(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS.—A person shall pay a penalty of $5,000 if—

''(1) such person files what purports to be a return of a tax imposed by this title but which—

''(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

''(B) contains information that on its face indicates that the self-assessment is substantially incorrect, and

''(2) the conduct referred to in paragraph (1)—

''(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(B) reflects a desire to delay or impede the administration of Federal tax laws.

''(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS.—

''(1) IMPOSITION OF PENALTY.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

''(2) SPECIFIED FRIVOLOUS SUBMISSION.—For purposes of this section—

''(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

''(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

''(ii) reflects a desire to delay or impede the administration of Federal tax laws.

''(B) SPECIFIED SUBMISSION.—The term 'specified submission' means—

''(i) a request for a hearing under—

''(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

''(II) section 6330 (relating to notice and opportunity for hearing before levy), and

''(ii) an application under—

''(I) section 6159 (relating to agreements for payment of tax liability in installments),

''(II) section 7122 (relating to compromises), or

''(III) section 7811 (relating to taxpayer assistance orders).

''(3) OPPORTUNITY TO WITHDRAW SUBMISSION.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission within 30 days after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

''(c) LISTING OF FRIVOLOUS POSITIONS.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

''(d) REDUCTION OF PENALTY.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

''(e) PENALTIES IN ADDITION TO OTHER PENALTIES.—The penalties imposed by this section shall be in addition to any other penalty provided by law.''.

(b) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS BEFORE LEVY.—

(1) FRIVOLOUS REQUESTS DISREGARDED.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

''(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.''.

(2) PRECLUSION FROM RAISING FRIVOLOUS ISSUES AT HEARING.—Section 6330(c)(4) is amended—

(A) by striking ''(A)'' and inserting ''(A)(i)'';

(B) by striking ''(B)'' and inserting ''(ii)'';

(C) by striking the period at the end of the first sentence and inserting ''; or''; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

''(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).''.

(3) STATEMENT OF GROUNDS.—Section 6330(b)(1) is amended by striking ''under subsection (a)(3)(B)'' and inserting ''in writing under subsection (a)(3)(B) and states the grounds for the requested hearing''.

(c) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS UPON FILING OF NOTICE OF LIEN.—Section 6320 is amended—

(1) in subsection (b)(1), by striking ''under subsection (a)(3)(B)'' and inserting ''in writing under subsection (a)(3)(B) and states the grounds for the requested hearing'', and

(2) in subsection (c), by striking ''and (e)'' and inserting ''(e), and (g)''.

(d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR OFFERS-IN-COMPROMISE AND INSTALLMENT AGREEMENTS.—Section 7122 is amended by adding at the end the following new subsection:

''(e) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.''.

(e) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

''Sec. 6702. Frivolous tax submissions.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 4172. INCREASE IN CRIMINAL MONETARY PENALTY LIMITATION FOR THE UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.

(a) IN GENERAL.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking ''Any person who—'' and inserting ''(a) IN GENERAL.—Any person who'' and

(2) by adding at the end the following new subsection:

''(b) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.''.

(b) INCREASE IN PENALTIES.—

(1) ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 is amended—

(A) by striking ''$100,000'' and inserting ''$500,000'',

(B) by striking ''$500,000'' and inserting ''$1,000,000'', and

(C) by striking ''5 years'' and inserting ''10 years''.

(2) WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—Section 7203 is amended—

(A) in the first sentence—

(i) by striking ''Any person'' and inserting the following:

''(a) IN GENERAL.—Any person'', and

(ii) by striking ''$25,000'' and inserting ''$50,000'',

(B) in the third sentence, by striking ''section'' and inserting ''subsection'', and

(C) by adding at the end the following new subsection:

''(b) AGGRAVATED FAILURE TO FILE.—

''(1) IN GENERAL.—In the case of any failure described in paragraph (2), the first sentence of subsection (a) shall be applied by substituting—

''(A) 'felony' for 'misdemeanor',

''(B) '$500,000 ($1,000,000' for '$25,000 ($100,000', and

''(C) '10 years' for '1 year'.

''(2) FAILURE DESCRIBED.—A failure described in this paragraph is a failure to make a return described in subsection (a) for a period of 3 or more consecutive taxable years.''.

(3) FRAUD AND FALSE STATEMENTS.—Section 7206(a) (as redesignated by subsection (a)) is amended—

(A) by striking ''$100,000'' and inserting ''$500,000'',

(B) by striking ''$500,000'' and inserting ''$1,000,000'', and

(C) by striking ''3 years'' and inserting ''5 years''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions, and failures to act, occurring after the date of the enactment of this Act.

SEC. 4173. TAX TREATMENT OF INVERTED ENTITIES.

(a) IN GENERAL.—Section 7874 is amended—

(1) by striking ''March 4, 2003'' in subsection (a)(2)(B)(i) and in the matter following subsection (a)(2)(B)(iii) and inserting ''March 20, 2002'',

(2) by striking ''at least 60 percent'' in subsection (a)(2)(B)(ii) and inserting ''more than 50 percent'',

(3) by striking ''80 percent'' in subsection (b) and inserting ''at least 80 percent'',

(4) by striking ''60 percent'' in subsection (b) and inserting ''more than 50 percent'',

(5) by adding at the end of subsection (a)(2) the following new sentence: ''Except as provided in regulations, an acquisition of properties of a domestic corporation shall not be treated as described in subparagraph (B) if none of the corporation's stock was readily tradeable on an established securities market at any time during the 4-year period ending on the date of the acquisition.'', and

(6) by redesignating subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

''(g) SPECIAL RULES APPLICABLE TO EXPATRIATED ENTITIES.—

''(1) INCREASES IN ACCURACY-RELATED PENALTIES.—In the case of any underpayment of tax of an expatriated entity—

''(A) section 6662(a) shall be applied with respect to such underpayment by substituting '30 percent' for '20 percent', and

''(B) if such underpayment is attributable to one or more gross valuation understatements, the increase in the rate of penalty under section 6662(h) shall be to 50 percent rather than 40 percent.

''(2) MODIFICATIONS OF LIMITATION ON INTEREST DEDUCTION.—In the case of an expatriated entity, section 163(j) shall be applied—

''(A) without regard to paragraph (2)(A)(ii) thereof, and

''(B) by substituting '25 percent' for '50 percent' each place it appears in paragraph (2)(B) thereof.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after March 20, 2002.

SEC. 4174. REVISION OF TAX RULES ON EXPATRIATION OF INDIVIDUALS.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

''SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

''(a) GENERAL RULES.—For purposes of this subtitle—

''(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

''(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

''(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

''(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

''(3) EXCLUSION FOR CERTAIN GAIN.—

''(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

''(B) COST-OF-LIVING ADJUSTMENT.—

''(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2005, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2004' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

''(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

''(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

''(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

''(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

''(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

''(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

''(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

''(iii) complies with such other requirements as the Secretary may prescribe.

''(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

''(b) ELECTION TO DEFER TAX.—

''(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

''(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

''(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

''(4) SECURITY.—

''(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

''(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

''(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

''(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

''(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

''(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

''(7) INTEREST.—For purposes of section 6601—

''(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

''(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

''(c) COVERED EXPATRIATE.—For purposes of this section—

''(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

''(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

''(A) the individual—

''(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

''(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

''(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

''(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

''(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

''(1) EXEMPT PROPERTY.—This section shall not apply to the following:

''(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

''(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

''(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

''(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

''(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

''(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

''(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

''(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

''(D) APPLICABLE PLANS.—This paragraph shall apply to—

''(i) any qualified retirement plan (as defined in section 4974(c)),

''(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

''(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

''(e) DEFINITIONS.—For purposes of this section—

''(1) EXPATRIATE.—The term 'expatriate' means—

''(A) any United States citizen who relinquishes citizenship, and

''(B) any long-term resident of the United States who—

''(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

''(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

''(2) EXPATRIATION DATE.—The term 'expatriation date' means—

''(A) the date an individual relinquishes United States citizenship, or

''(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

''(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

''(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

''(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

''(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

''(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

''(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

''(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

''(A) the individual shall not be treated as having sold such interest,

''(B) such interest shall be treated as a separate share in the trust, and

''(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

''(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

''(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

''(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

''(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

''(i) paragraph (1) and subsection (a) shall not apply, and

''(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

''(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

''(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

''(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

''(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

''(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

''(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

''(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

''(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

''(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

''(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

''(E) TAX DEDUCTED AND WITHHELD.—

''(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

''(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

''(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

''(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

''(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

''(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

''(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

''(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

''(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

''(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

''(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

''(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

''(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

''(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

''(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

''(B) OTHER DETERMINATIONS.—For purposes of this section—

''(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

''(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

''(I) the methodology used to determine that taxpayer's trust interest under this section, and

''(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

''(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

''(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

''(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

''(h) IMPOSITION OF TENTATIVE TAX.—

''(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

''(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

''(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

''(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

''(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

''(1) IMPOSITION OF LIEN.—

''(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

''(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

''(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

''(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

''(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

''(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

''(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

''(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

''(1) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date. For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.

''(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

''(A) the gift, bequest, devise, or inheritance is—

''(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

''(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

''(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.''.

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

''(49) TERMINATION OF UNITED STATES CITIZENSHIP.—

''(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

''(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.''.

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

''(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation) is inadmissible.''.

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

''(21) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).''.

(B) SAFEGUARDS.—Section 6103(p)(4) (relating to safeguards) is amended by striking ''or (20)'' each place it appears and inserting ''(20), or (21)''.

(3) EFFECTIVE DATES.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

''(h) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of the enactment of this subsection.''.

(2) Section 2107 is amended by adding at the end the following new subsection:

''(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.''.

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

''(C) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.''.

(4) Section 6039G(a) is amended by inserting ''or 877A'' after ''section 877(b)''.

(5) The second sentence of section 6039G(d) is amended by inserting ''or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))'' after ''section 877(a))''.

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

''Sec. 877A. Tax responsibilities of expatriation.''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after the date of the enactment of this Act, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 4175. DOUBLING OF CERTAIN PENALTIES, FINES, AND INTEREST ON UNDERPAYMENTS RELATED TO CERTAIN OFFSHORE FINANCIAL ARRANGEMENTS.

(a) DETERMINATION OF PENALTY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of an applicable taxpayer—

(A) the determination as to whether any interest or applicable penalty is to be imposed with respect to any arrangement described in paragraph (2), or to any underpayment of Federal income tax attributable to items arising in connection with any such arrangement, shall be made without regard to the rules of subsections (b), (c), and (d) of section 6664 of the Internal Revenue Code of 1986, and

(B) if any such interest or applicable penalty is imposed, the amount of such interest or penalty shall be equal to twice that determined without regard to this section.

(2) APPLICABLE TAXPAYER.—For purposes of this subsection—

(A) IN GENERAL.—The term ''applicable taxpayer'' means a taxpayer which—

(i) has underreported its United States income tax liability with respect to any item which directly or indirectly involves—

(I) any financial arrangement which in any manner relies on the use of offshore payment mechanisms (including credit, debit, or charge cards) issued by banks or other entities in foreign jurisdictions, or

(II) any offshore financial arrangement (including any arrangement with foreign banks, financial institutions, corporations, partnerships, trusts, or other entities), and

(ii) has neither signed a closing agreement pursuant to the Voluntary Offshore Compliance Initiative established by the Department of the Treasury under Revenue Procedure 2003–11 nor voluntarily disclosed its participation in such arrangement by notifying the Internal Revenue Service of such arrangement prior to the issue being raised by the Internal Revenue Service during an examination.

(B) AUTHORITY TO WAIVE.—The Secretary of the Treasury or the Secretary's delegate may waive the application of paragraph (1) to any taxpayer if the Secretary or the Secretary's delegate determines that the use of such offshore payment mechanisms is incidental to the transaction and, in addition, in the case of a trade or business, such use is conducted in the ordinary course of the type of trade or business of the taxpayer.

(C) ISSUES RAISED.—For purposes of subparagraph (A)(ii), an item shall be treated as an issue raised during an examination if the individual examining the return—

(i) communicates to the taxpayer knowledge about the specific item, or

(ii) has made a request to the taxpayer for information and the taxpayer could not make a complete response to that request without giving the examiner knowledge of the specific item.

(b) APPLICABLE PENALTY.—For purposes of this section, the term ''applicable penalty'' means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.

(c) EFFECTIVE DATE.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if, as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.

SEC. 4176. GRANT OF TREASURY REGULATORY AUTHORITY TO ADDRESS FOREIGN TAX CREDIT TRANSACTIONS INVOLVING INAPPROPRIATE SEPARATION OF FOREIGN TAXES FROM RELATED FOREIGN INCOME.

(a) IN GENERAL.—Section 901 (relating to taxes of foreign countries and of possessions of United States) is amended by redesignating subsection (m) as subsection (n) and by inserting after subsection (l) the following new subsection:

''(m) REGULATIONS.—The Secretary may prescribe regulations disallowing a credit under subsection (a) for all or a portion of any foreign tax, or allocating a foreign tax among 2 or more persons, in cases where the foreign tax is imposed on any person in respect of income of another person or in other cases involving the inappropriate separation of the foreign tax from the related foreign income.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 4177. TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT INSTRUMENTS.

(a) IN GENERAL.—Section 1275(d) (relating to regulation authority) is amended—

(1) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'', and

(2) by adding at the end the following new paragraph:

''(2) TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT.—

''(A) IN GENERAL.—In the case of a debt instrument which—

''(i) is convertible into stock of the issuing corporation, into stock or debt of a related party (within the meaning of section 267(b) or 707(b)(1)), or into cash or other property in an amount equal to the approximate value of such stock or debt, and

''(ii) provides for contingent payments,

any regulations which require original issue discount to be determined by reference to the comparable yield of a noncontingent fixed rate debt instrument shall be applied as requiring that such comparable yield be determined by reference to a noncontingent fixed rate debt instrument which is convertible into stock.

''(B) SPECIAL RULE.—For purposes of subparagraph (A), the comparable yield shall be determined without taking into account the yield resulting from the conversion of a debt instrument into stock.''.

(b) CROSS REFERENCE.—Section 163(e)(6) (relating to cross references) is amended by adding at the end the following:

''For the treatment of contingent payment convertible debt, see section 1275(d)(2).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued on or after the date of the enactment of this Act.

SA 4377. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IX, add the following:

SEC. 924. INCLUSION OF HOMELAND DEFENSE AND CIVIL SUPPORT MISSIONS OF THE NATIONAL GUARD AND RESERVES IN THE QUADRENNIAL DEFENSE REVIEW.

Section 118(d) of title 10, United States Code, is amended—

(1) by redesignating paragraph (15) as paragraph (16); and

(2) by inserting after paragraph (14) the following new paragraph (15):

''(15) The homeland defense mission and civil support missions of the active and reserve components of the armed forces, including the organization and capabilities required for the active and reserve components to discharge each such mission.''.

SA 4378. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. REQUIREMENTS FOR CONTINUED DETENTION OR RELEASE OF INDIVIDUALS HELD AT GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—Except as provided in subsection (b), not later than 180 days after the date of the enactment of this Act, an alien who is detained by the Secretary of Defense at Guantanamo Bay, Cuba shall be—

(1) charged with a crime in a civilian or military court;

(2) repatriated to such alien's country of origin, unless there are substantial grounds to believe that the alien would be in danger of being subjected to torture in such country; or

(3) released to a country other than the alien's country of origin.

(b) REPORTING REGARDING FAILURE TO CHANGE OR RELEASE.—

(1) IN GENERAL.—With respect to any alien described in subsection (a) who is not charged, repatriated, or released within 180 days after the date of the enactment of this Act, the Secretary of Defense shall at that time, and every 180 days thereafter, submit to the appropriate committees of Congress a detailed report for each such alien that includes the following:

(A) The name and nationality of each alien being detained by the Secretary of Defense at Guantanamo Bay, Cuba.

(B) With respect to each alien—

(i) a detailed statement of why the alien has not been charged, repatriated, or released;

(ii) a statement of when the United States Government intends to charge, repatriate, or release the alien;

(iii) a description of the procedures to be employed by the United States Government to determine whether to charge, repatriate, or release the alien and a schedule for the employment of such procedures; and

(iv) if the Secretary of Defense has transferred or has plans to transfer the alien from the custody of the Secretary to another agency or department of the United States, a description of such transfer.

(2) FORM OF REPORTS.—Each report required by this subsection shall be submitted in an unclassified form to the maximum extent practicable and may include a classified annex, if necessary.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

(c) Nothing in this section shall be construed in any way as authorizing or permitting:

(1) military commissions presently constituted under the November 13, 2001 Order of the President; or

(2) the detention of individuals had at Guantanamo Bay, Cuba.

SA 4379. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title V, add the following:

SEC. 569. IMPROVEMENTS TO EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.

(a) INCREASE IN AMOUNT.—

(1) IN GENERAL.—Section 16131(b)(1) of title 10, United States Code, is amended—

(A) in subparagraph (A), by striking ''$251'' and inserting ''$362'';

(B) in subparagraph (B), by striking ''$188'' and inserting ''$272''; and

(C) in subparagraph (C), by striking ''$125'' and inserting ''$181''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2006, and shall apply with respect to educational assistance payable under chapter 1606 of title 10, United States Code, for months beginning on or after that date.

(3) PROHIBITION ON ADJUSTMENT FOR FISCAL YEAR 2007.—The adjustment required by section 16131(b)(2) of title 10, United States Code, for fiscal year 2007 shall not be made.

(b) DETERMINATION OF RATE OF ASSISTANCE FOR MEMBERS SUPPORTING CONTINGENCY AND OTHER OPERATIONS.—

(1) IN GENERAL.—Section 16162(c)(4) of title 10, United States Code, is amended—

(A) in subparagraph (A), by striking ''but less than one continuous year'' and inserting ''but less in aggregate than one year'';

(B) in subparagraph (B), by striking ''for one continuous year but less than two continuous years'' and inserting ''for more in aggregate than one year but less in aggregate than two years''; and

(C) in subparagraph (C), by striking ''for two continuous years or more'' and inserting ''in aggregate for two years or more''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on October 1, 2006, and shall apply with respect to educational assistance payable under chapter 1607 of title 10, United States Code, for months beginning on or after that date.

SA 4380. Mrs. MURRAY submitted an amendment intended to be proposed by

him to the bill S. 2766, to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

SEC. 587. AGREEMENTS ON THE PROVISION OF SERVICES TO MEMBERS OF THE ARMED FORCES MAKING THE TRANSITION TO CIVILIAN LIFE.

(a) AGREEMENTS REQUIRED.—The Secretary of Defense shall seek to enter into memoranda of understanding, agreements, or other appropriate arrangements with the entities and organizations referred to in subsection (b) in order to coordinate the provision of services to members of the Armed Forces making the transition to civilian life, including members of the Armed Forces being separated, discharged, or released from the Armed Forces and members of the National Guard and Reserve returning to civilian life after deployment on active duty in the Armed Forces.

(b) ENTITIES AND ORGANIZATIONS.—The entities and organizations referred to in this section are the following:

(1) Elements of the Department of Defense responsible for providing services described in subsection (a).

(2) Elements of the Department of Veterans Affairs responsible for providing such services.

(3) Elements of the Department of Labor responsible for providing such services.

(4) Elements of other departments and agencies of the Federal Government responsible for providing such services.

(5) Appropriate State agencies, including veterans agencies, employment services agencies, and other agencies.

(6) Veterans service organizations.

(7) Any other public or private entities or organizations that provide such services as the Secretary considers appropriate for purposes of this section.

(c) ELEMENTS.—The memoranda of understanding, agreements, and arrangements entered into under subsection (a) shall seek to—

(1) establish and define requirements and responsibilities for the provision of services described in subsection (a);

(2) coordinate, facilitate, and enhance the provision of such services; and

(3) establish and define short-term and long-term goals and plans for the provision of such services.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, June 27, 2006, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony relating to implementation of the Energy Policy Act provisions on enhancing oil and gas production on Federal lands in the Rocky Mountain Region.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Dick Bouts at 202–224–7545 or Sara Zecher at 202–224–8276.

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, June 28, 2006 at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1812, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for the conjunctive use of surface and ground water in Juab County, Utah; S. 1965, to authorize the Secretary of the Interior to convey certain buildings and lands of the Yakima Project, Washington, to the Yakima-Tieton Irrigation District; S. 2129, to authorize the Secretary of the Interior to convey certain land and improvements of the Gooding Division of the Minidoka Project, Idaho; S. 2470, to authorize early repayment of obligations to the Bureau of Reclamation within the A&B Irrigation District in the State of Idaho; S. 2502, to provide for the modification of an amendatory repayment contract between the Secretary of the Interior and the North Unit Irrigation District, and for other purposes; S. 3404, to bill to reauthorize the Mni Wiconi Rural Water Supply Project; H.R. 2383, to redesignate the facility of the Bureau of Reclamation located at 19550 Kelso Road in Byron, California, as the ''C.W. 'Bill' Jones Pumping Plant''; and H.R. 4204, to direct the Secretary of the Interior to transfer ownership of the American River Pump Station Project, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Nate Gentry at 202–224–2179 or Steve Waskiewicz at 202–228–6195.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Tuesday June 20, 2006, at 10:30 a.m. in 328a, Senate Russell Office Building. The purpose of this committee hearing will be to examine the Rural Development Programs of the United States Department of Agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 20, 2006, at 10 a.m. to conduct a hearing on ''the reauthorization of the export-import bank.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session the Senate on June 20, 2006, at 2:30 p.m., to conduct a hearing on ''FHA: Issues for the Future.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Tuesday, June 20, 2006, at 10 a.m., to consider the nomination of Paul A. Denett to be Administrator for Federal Procurement Policy, Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on ''The McCarran-Ferguson Act: Implications of Repealing the Insurers' Antitrust Exemption'' on Tuesday, June 20, 2006, at 9:30 a.m., in Dirksen Senate Office Building, room 226.

Witness list

Panel I: Hon. Marc Racicot, Former Governor of Montana, President, American Insurance Institute, Washington, DC; Elinor R. Hoffman, Assistant Attorney General, Antitrust Bureau, Office of the Attorney General for the State of New York, New York, NY; Michael McRaith, Illinois Director of Insurance, Chair, Broker Activities Task Force, National Association of Insurance Commissioners, Chicago, IL; Bob Hunter, Insurance Director, Consumer Federation of American, Washington, DC; Kevin Thompson, Senior Vice President, Insurance Services Office, Jersey City, NJ; Donald C. Klawiter, Chair, Section of Antitrust Law, American Bar Association, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 20, 2006, at 2:30 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCE MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, June 20, 2006, at 2:30 p.m. for a field hearing regarding ''U.N. Headquarters Renovation: No Accountability Without Transparency.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, June 20, 2006, at 2:30 p.m.

The purpose of the hearing is to receive testimony on the National Park Service's revised Draft Management Policies, including potential impact of the Policies on Park Operations, Park Resources, Wilderness Areas, Recreation, and Interaction with Gateway Communities.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Joel Rubin of my staff be granted the privilege of the floor for the duration of the consideration of S. 2766, the Defense authorization legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Sharon Hudson-Dean, a fellow in the office of Senator BILL NELSON of Florida, be granted the privilege of the floor during the Senate's consideration of the fiscal year 2007 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Zachary Schechter-Steinberg of my staff be granted floor privileges during the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent that John Rowe, a legislative intern in Senator GRASSLEY's office, have floor privileges from now until the Senate adjourns at the end of the week.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 109–10

Mr. SESSIONS. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on June 20, 2006, by the President of the United States:

Protocol III to 1949 Geneva Convention and an Amendment and Protocol to 1980 Conventional Weapons Convention (Treaty Document No. 109–10).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith: the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (the ''Geneva Protocol III''), adopted at Geneva on December 8, 2005, and signed by the United States on that date; the Amendment to Article 1 of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (the ''CCW Amendment''); and the CCW Protocol on Explosive Remnants of War (the ''CCW Protocol V''). I transmit, for the information of the Senate, the report of the Department of State concerning these treaties.

Geneva Protocol III. Geneva Protocol III creates a new distinctive emblem, a Red Crystal, in addition to and for the same purposes as the Red Cross and the Red Crescent emblems. The Red Crystal is a neutral emblem that can be employed by governments and national societies that face challenges using the existing emblems. In addition, Geneva Protocol III will pave the way for Magen David Adorn, Israel's national society, to achieve membership in the International Red Cross and Red Crescent Movement. Legislation implementing Geneva Protocol III will be submitted to the Congress separately.

CCW amendment. The amendment to Article 1 of the CCW, which was adopted at Geneva on December 21, 2001, eliminates the distinction between international and non-international armed conflict for the purposes of the rules governing the prohibitions and restrictions on the use of certain conventional weapons. It does not change the legal status of rebel or insurgent groups into that of protected or privileged belligerents.

CCW Protocol V. CCW Protocol V, which was adopted at Geneva on November 28, 2003, addresses the post-conflict threat generated by conventional munitions such as mortar shells, grenades, artillery rounds, and bombs that do not explode as intended or that are abandoned. CCW Protocol V provides for the marking, clearance, removal, and destruction of such remnants by the party in control of the territory in which the munitions are located.

Conclusion. I urge the Senate to give prompt and favorable consideration to each of these instruments and to give its advice and consent to their ratification. These treaties are in the interest of the United States, and their ratification would advance the longstanding and historic leadership of the United States in the law of armed conflict.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 19, 2006.*

COMMENDING THE CAROLINA HURRICANES

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 517 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 517) commending the Carolina Hurricanes for winning the 2006 National Hockey League Stanley Cup.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 517) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 517

Whereas on June 19, 2006, the Carolina Hurricanes toppled the Edmonton Oilers in one of the most exciting National Hockey League (NHL) Finals in history by a score of 3-1 in the seventh and final game;

Whereas this is the first Stanley Cup for the Carolina Hurricanes;

Whereas the Hurricanes are the first professional sports team in North Carolina history to win a major sports championship;

Whereas the Hurricanes finished at the top of the Southeast Division of the Eastern Conference during the regular season with a record of 52-22-8;

Whereas the Hurricanes rallied from a 2-game deficit, winning 4 consecutive games to defeat the Montreal Canadians in the first round of the playoffs;

Whereas the Hurricanes rolled over the New Jersey Devils in the second round of the playoffs, winning the series in only 5 games;

Whereas the Hurricanes showed their desire to win a championship by defeating the Buffalo Sabres in the seventh game of the Eastern Conference Finals to advance to the Stanley Cup Finals;

Whereas in Game 1 of the Stanley Cup Finals the Hurricanes became only the sixth team in NHL Finals history to overcome a 3-goal deficit to win;

Whereas Cam Ward became the first rookie goaltender to win a Stanley Cup in 20 years, and with 22 saves in Game 7, was named the MVP of the playoffs, becoming the fourth rookie and second-youngest player to be awarded the Conn Smythe Trophy;

Whereas Hurricanes head coach Peter Laviolette won his first Stanley Cup in his first full season at the helm of the team;

Whereas defensemen Aaron Ward and Frantisek Kaberle scored goals during the first period in Game 7 to put the Hurricanes up 2-0;

Whereas with the team only 1 goal ahead, Justin Williams sealed the 3-1 victory with an empty net goal in the final minute of the game;

Whereas a sold-out crowd of 18,978 at the RBC Center in Raleigh, North Carolina celebrated as the final horn sounded, announcing the Hurricanes' championship;

Whereas the Hurricanes veteran captain Rod Brind'Amour, who demonstrated great leadership throughout the entire season, won his first Stanley Cup and was the first to accept the Cup from NHL commissioner Gary Bettman by hoisting the historic trophy over his head in victory;

Whereas assistant captain Glen Wesley, who has played in more playoff games than any other active NHL player, won his first Stanley Cup at age 37;

Whereas 21-year-old Eric Staal became the youngest player to lead the playoffs in scoring since Gordie Howe in 1949;

Whereas hockey now joins college basketball and NASCAR as the favorite pastimes of North Carolina;

Whereas each player from the Hurricanes championship team will have his name forever etched on the Stanley Cup; and

Whereas North Carolina will be home to the Stanley Cup for at least the next year: Now, therefore, be it

Resolved, That the Senate—

(1) applauds the Carolina Hurricanes for winning the 2006 Stanley Cup;

(2) recognizes the achievements of the players, head coach Peter Laviolette, the assistant coaches, and the support staff who all played critical roles in leading the Hurricanes to the championship; and

(3) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution to Hurricanes owner Peter Karmanos, Jr. and head coach Peter Laviolette for appropriate display.

HONORING JAMES CAMERON

Mr. SESSIONS. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 518 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 518) honoring the life and accomplishments of James Cameron.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 518) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 518

Whereas James Cameron founded America's Black Holocaust Museum (the Museum) in Milwaukee, Wisconsin, the only memorial in the United States to victims of lynching and racial violence;

Whereas Mr. Cameron was the last living survivor of a lynching until his death on June 11, 2006, at age 92;

Whereas a Senate resolution recognized Mr. Cameron as the Nation's oldest living lynching victim in June 2005 and formally apologized for its failure to outlaw lynching, which killed more than 4,700 people from 1882 to 1968, three-fourths of whom were black;

Whereas seven United States Presidents called for lynching to be outlawed, and the House of Representatives passed bans three times in the early twentieth century, only to have the Senate filibuster each of them, one filibuster lasting six weeks;

Whereas in Marion, Indiana in 1930, when he was 16 years old, Mr. Cameron and two friends, Abe Smith (age 19) and Tommy Shipp (age 18), were falsely accused of killing a Caucasian man and raping his girlfriend;

Whereas after the arrest of the three men, a mob broke into the jail where they were being held and tried to lynch them;

Whereas the mob lynched Mr. Smith and Mr. Shipp but spared Mr. Cameron's life;

Whereas Mr. Cameron was beaten into signing a false confession, convicted in 1931, and paroled in 1935;

Whereas the governor of Indiana pardoned Mr. Cameron in 1993 and apologized to him;

Whereas Mr. Cameron promoted civil and social justice issues and founded three NAACP chapters in Indiana during the 1940s;

Whereas James Cameron served as the Indiana State Director of Civil Liberties from 1942 to 1950, and he investigated over 25 cases involving civil rights violations;

Whereas Mr. Cameron relocated to Wisconsin after receiving many death threats, but he continued civil rights work and played a role in protests to end segregated housing in Milwaukee;

Whereas in 1983, Mr. Cameron published *A Time of Terror*, his autobiographical account of the events surrounding his arrest in 1930;

Whereas Mr. Cameron founded America's Black Holocaust Museum in 1988 in order to preserve the history of lynching in the United States and to recognize the struggle of African-American people for equality;

Whereas the Museum contains the Nation's foremost collection of lynching images, both photographs and postcards, documenting the heinous practice of lynching in the United States;

Whereas the Museum performs a critical role by exposing this painful, dark, and ugly practice in the Nation's history, so that knowledge can be used to promote understanding and to counter racism, fear, and violence;

Whereas the Museum also documents the history of the African-American experience from slavery to the civil rights movement to the present day; and

Whereas the Museum exists to educate the public about injustices suffered by people of African-American heritage, and to provide visitors with an opportunity to rethink assumptions about race and racism: Now, therefore, be it

Resolved, That the Senate honors and celebrates the life and accomplishments of James Cameron and expresses condolences at his passing.

ORDERS FOR WEDNESDAY, JUNE 21, 2006

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, June 21. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of S. 2766, the Defense authorization bill, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. Mr. President, tomorrow the Senate will resume consideration of the Defense authorization bill. Under an agreement that was reached earlier, we will continue to debate minimum wage for an hour and a half and then have votes on the Kennedy and Enzi amendments at approximately 11 a.m. Following the votes, Senator LEVIN will be recognized to offer his amendment regarding Iraq, with 5 hours of debate, to be followed by Senator KERRY offering an amendment regarding Iraq.

This evening, cloture was filed on the bill. The filing deadline for first-degree amendments is 1 p.m. tomorrow. Senators can expect the cloture vote to occur on Thursday morning.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:09 p.m., adjourned until Wednesday, June 21, 2006, at 9:30 a.m.